

1 Mark A. Kleiman (SBN 115919)
2 KLEIMAN / RAJARAM
3 2525 Main Street, Suite 204
4 Santa Monica, CA 90405
5 Telephone: (310) 392-5455
6 Facsimile: (310) 306-8491
7 Email: mkleiman@quitam.org

8 Ben Gharagozli (SBN 272302)
9 Law Offices of Ben Gharagozli
10 2525 Main Street, Suite 204
11 Santa Monica, CA 90405
12 Telephone: (661) 607-4665
13 Facsimile: (855) 628-5517
14 Email: ben.gharagozli@gmail.com

15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

OMAR ABDULAZIZ,) Case No.: 3:19 CV-06694-LB
Plaintiff,)
v.) **FIRSTSECOND AMENDED**
TWITTER, Inc.; McKinsey & Co.; and) **COMPLAINT AND DEMAND FOR**
DOES 1-10; inclusive,) **JURY TRIAL**
Defendants,)

)
)
)
)

“We fell behind, both in our protections against social engineering of our
employees and restrictions on our internal tools” Twitter CEO, Jack Dorsey
acknowledging past missteps, 2020.”

FIRSTSECOND AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL
Case No. 3:19 CV-06694-LB

Formatted: Footer distance from edge: 0.5"

Formatted: Line spacing: single

Formatted: Page Number, Font: 9 pt

Formatted: Left, Position: Horizontal: Center, Relative to: Margin, Vertical: 0.28", Relative to: Paragraph, Wrap Around

TABLE OF CONTENTS

	<u>Page</u>
<u>PARTIES</u>	1
<u>JURISDICTION</u>	2
General Jurisdiction over Twitter	2
General Jurisdiction Over McKinsey	2
Specific Jurisdiction Over McKinsey (Forum-Related Activities Giving Rise to Plaintiff's Claim)	3
<u>VENUE</u>	4
<u>FACTUAL BACKGROUND</u>	4
Twitter.....	5
Twitter Knew or Should Have Known that the Employees Became Unfit and Hazardous and Unfit and that This Created a Particular Risk to Others, Including Plaintiff	6
Reasons This Was Foreseeable to Twitter.....	7
Summary of Negligence Allegations against Twitter.....	8
The Predictability of Attack.....	9
The Detectability of the Insider Attack at Twitter.....	11
Twitter's Respondent Superior Liability for the Theft	18
How the Twitter Inside Job Harmed Plaintiff.....	19
Twitter's Refusal to Repudiate the Data Theft Impliedly Ratified the Thieves' Conduct	22
Twitter's – This is December 11, 2015 Notification Went to Only Some of the Victims Plaintiff and Another Leading Saudi Dissident Were Strangely Excluded.....	25
The December 2015 Notice Was False and Misleading.....	26

~~FIRST~~~~SECOND~~ AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL
Case No. 3:19 CV-06694-LB

Formatted: Highlight

Formatted: Right: 0.26", Line spacing: single,
Widow/Orphan control, Don't adjust space between Latin and
Asian text, Don't adjust space between Asian text and
numbers

Formatted: Font: Not Bold, No underline, Highlight

Formatted: Line spacing: single

Formatted: Page Number, Font: 9 pt

Formatted: Left, Position: Horizontal: Center, Relative to:
Margin, Vertical: 0.28", Relative to: Paragraph, Wrap Around

<u>Twitter's' Notification Process Violated the UCL and Twitter's Ongoing Disinterest in Security Makes This Certain to Recur</u>	26
<u>Plaintiff's Claims Against Twitter are Timely</u>	27
<u>McKinsey's Motive for Its Extreme and Outrageous Conduct</u>	28
<u>It Was Foreseeable That Vocal Opponents of MBS's Plan Would be in Mortal Danger, Yet McKinsey Recklessly Disregarded This Risk for Money</u>	30
<u>Despite Full Knowledge of These Risks, McKinsey Prepared a Report Which Analyzed and Identified the Most Influential Opponents of MBS' Vital Policies.....</u>	31
<u>The Predictable Consequences of Defendants' Misconduct</u>	32
<u>First Cause of Action Against Twitter, Inc., and Does 1-5 for Violation of the Stored Communications Act, 18 U.S.C. §2701, et. seq.....</u>	39
<u>Second Cause of Action Against Twitter and Does 1-5 for Violation of California Business & Professions Code §17200, et. seq.....</u>	40
<u>Third Cause of Action Against Twitter and Does 1-5 for Invasion of Privacy.....</u>	42
<u>Fourth Cause of Action Against McKinsey & Co. and Does 6-10 for Intentional Infliction of Emotional Distress</u>	43
<u>Fifth Cause of Action Against Twitter and Does 1-5 for Intentional Misrepresentation</u>	43
<u>Sixth Cause of Action Against Twitter and Does 1-5 for Negligent Misrepresentation.....</u>	45
<u>Seventh Cause of Action Against Twitter and Does 1-5 for Concealment</u>	46
<u>Eighth Cause of Action Against Twitter and Does 1-5 for Negligent Hiring, Supervision, or Retention of Employee.....</u>	47
<u>Ninth Cause of Action Against Twitter and Does 1-5 for Negligence.....</u>	48
<u>PRAAYER FOR RELIEF</u>	49
<u>DEMAND FOR JURY TRIAL</u>	50

FIRSTSECOND AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL
Case No. 3:19 CV-06694-LB

Formatted: Right: 0.26", Don't adjust space between Latin and Asian text, Don't adjust space between Asian text and numbers, Tab stops: 0.5", Left + 6.18", Right,Leader: ...
Formatted: Font: Not Bold, No underline

Formatted: Font: Not Bold, No underline
Formatted: Normal, Left, Right: 0.26", Widow/Orphan control, Don't adjust space between Latin and Asian text, Don't adjust space between Asian text and numbers
Formatted: Font: Not Bold, No underline
Formatted: Normal, Left, Right: 0.26", Widow/Orphan control, Don't adjust space between Latin and Asian text, Don't adjust space between Asian text and numbers

Formatted: Line spacing: single
Formatted: Page Number, Font: 9 pt
Formatted: Left, Position: Horizontal: Center, Relative to: Margin, Vertical: 0.28", Relative to: Paragraph, Wrap Around

1. This an action to vindicate the rights of Omar Abdulaziz, a political refugee
 2 who has been granted political asylum in Canada from the despotic regime in the Kingdom of
 3 Saudi Arabia (“KSA”). Because of the tremendous wealth of key figures in KSA, major
 4 corporations, including Twitter, Inc. and McKinsey & Co., have enabled, collaborated with,
 5 aided and abetted, and turned a blind eye to KSA’s efforts to suppress, torture, falsely
 6 imprison, terrorize, and murder dissenters both within Saudi Arabia and around the world.
 7 Twitter, Inc., and McKinsey & Co. have for monetary gain, exposed him, his family members,
 8 friends and political associates to imprisonment, torture, and even death.

PARTIES

10 2.—Plaintiff Omar Abdulaziz (hereinafter “Plaintiff”) is a graduate student and
 11 political dissident who resides in and has been granted asylum in Canada because he
 12 faced likely persecution were he to return to his native country, Saudi Arabia.

13 3.—Defendant Twitter, Inc., (hereinafter “Twitter”) is incorporated in Delaware
 14 with its headquarters in San Francisco, California. In 2011 Saudi Prince Alwaleed Bin
 15 Talal purchased \$300 million worth of stock in Twitter. In 2015 Bin Talal made an additional
 16 investment, owning 5.2% of the company, more than Twitter’s founder and CEO. A January
 17 29, 2018 article in the British newspaper, *The Daily Mail* reported that after being imprisoned
 18 and perhaps tortured by KSA, Bin Talal signed over many of his assets, to Crown Prince
 19 Mohammed Bin Salman (hereinafter “MBS”). Per *The Daily Mail*, the Trump Administration
 20 allegedly made a deal with MBS allowing him to seize control of these assets and those of
 21 other princes, so long as the assets remained in the United States. Plaintiff is informed and
 22 believes and based thereon alleges that since late 2017 or January of 2018, MBS has exercised
 23 control over more Twitter stock than is owned by Twitter’s founder, Jack Dorsey.

24 4.—Defendant McKinsey & Co. (hereinafter “McKinsey”) describes itself as an
 25 incorporated partnership established in the State of New York. It does have offices in
 26 and transacts business in San Francisco, California and Redwood City, California. McKinsey
 27 has at least sixty (60) partners in California. Plaintiff is informed and believes and based

1 thereon alleges that the ratio of employees to partners is at least 7 to 1, meaning that McKinsey
 2 employs at least 420 professionals, paraprofessionals, and support staff in the State of
 3 California. Plaintiff is informed and believes and based thereon alleges that the average
 4 income for a McKinsey partner is between \$500,000 and \$1,000,000 per year.

5 5.—The true identity of each defendant denominated as a “Doe” is unknown to
 6 plaintiff at this time, so said defendants are sued in this capacity. As each such
 7 defendant becomes known to Plaintiff, he shall seek leave to amend this Complaint to set forth
 8 that defendant’s true identity.

JURISDICTION

—General Jurisdiction over Twitter

41 6. Twitter’s home office is in San Francisco, California, within this judicial
 42 district.

43 7. Jurisdiction is proper because this action includes claims that Twitter violated
 44 or ratified its employee’s violation of the Stored Communications Act, 18 U.S.C.
 45 §2701, *et. seq.*

General Jurisdiction Over McKinsey

46 8. McKinsey has 78 partners living and working in California, 47% more than it
 47 has in New York. McKinsey’s San Francisco office is less than one mile from the courthouse
 48 in which this action is filed.

49 9. Locus of control of key corporate programs.

50 a. Gary Pinkus, “Chairman of North America”. According to Foreign
 51 Agents Registration Act filings, Mr. Pinkus, between December 2015 and June 2016, aided the
 52 committee appointed by the Saudi Council of Economic and Development Affairs (CEDA) in
 53 a project in respect of the US-Saudi partnership. While based in the United States (specifically
 54 San Francisco, CA), Mr. Pinkus supported certain aspects of the project with a focus on
 55 arranging and supporting meetings in the United States. Further, on information and belief,

Formatted: Right: 0.32", No bullets or numbering,
 Widow/Orphan control, Tab stops: Not at 0.81"

Formatted: Normal, Right: 0.32", Widow/Orphan control
 Formatted: Font: Bold, Underline
 Formatted: Font: Bold, Underline

Formatted: Right: 0.33", No bullets or numbering,
 Widow/Orphan control, Tab stops: Not at 0.81"

Formatted: Line spacing: single
 Formatted: Page Number, Font: 9 pt
 Formatted: Left, Position: Horizontal: Center, Relative to:
 Margin, Vertical: 0.28", Relative to: Paragraph, Wrap Around

¹ Mr. Pinkus was the director of the McKinsey PowerPoint Project and was running it from San
² Francisco.

³ 10. McKinsey's primary service is one of information and advice. McKinsey has a
⁴ motto of "One McKinsey" whereby when a client hires the firm, they hire the entire worldwide
⁵ network. They have a distributed presence worldwide and its employees work on projects
⁶ without regard to either their location or the locus of the project. Although McKinsey provides
⁷ presentations to clients, the preparation of those presentations is a task that is distributed to
⁸ McKinsey people all over the world.

⁹ **Specific Jurisdiction Over McKinsey (Forum-Related Activities**

¹⁰ **Giving Rise to Plaintiff's Claim)**

¹¹ 11. Here, the command center of the McKinsey PowerPoint Project was in San Francisco
¹² and the Bay Area. This is based on the role of three San Francisco and Bay Area-based
¹³ McKinsey partners in particular: (1) James Manyika; (2) Bob Sternfels; (3) Hugo Sarrazin.
¹⁴ Plaintiff is informed and believes and thereon alleges that all four of the aforementioned
¹⁵ McKinsey partners continue to reside in San Francisco and the Bay Area.

¹⁶ a. James Manyika's role as the "Chairman and Director, McKinsey Global
¹⁷ Institute" is significant. McKinsey has conceded in filings with this Court that the McKinsey
¹⁸ Global Institute prepared the McKinsey powerpoint at issue in this action.

¹⁹ b. Bob Sternfels, who sits on McKinsey's Board of Directors and "led
²⁰ [McKinsey's] new innovations growing these capabilities to approximately half of the firm's
²¹ revenue today." Mr. Sternfels is the Global head of client capabilities for McKinsey and the
²² ultimate supervisor of Rupinder Kochhar, who is the Director of client capabilities in the Middle
²³ East and head of the Middle East Knowledge Hub. Mr. Sternfels is also the ultimate supervisor
²⁴ of Vikram Dastidar, who, according to McKinsey's filings in the instant action, is a research
²⁵ manager and the manager of McKinsey's Saudi Knowledge Hub, which produced the McKinsey
²⁶ powerpoint.

Formatted: Line spacing: single
Formatted: Page Number, Font: 9 pt
Formatted: Left, Position: Horizontal: Center, Relative to: Margin, Vertical: 0.28", Relative to: Paragraph, Wrap Around

1 c. Hugo Sarrazin is the cofounder and global leader/head of McKinsey Digital
 2 Labs. On information and belief, McKinsey Digital Labs was in charge of preparing the
 3 McKinsey powerpoint report at issue in this action. Mr. Sarrazin, who is based in the Silicon
 4 Valley, would oversee Enrico Benni in the Middle East, who is the head of technology in the
 5 tech team for McKinsey in the Middle East Region. Mr. –Sarrazin would have overseen any
 6 project that concerned a technique called sentiment analysis. On information and belief,
 7 McKinsey utilized sentiment analysis in preparing the McKinsey powerpoint report at issue in
 8 this action.

9 12. To the extent that the conduct giving rise to this action also implicates state law
 10 claims, this Court is requested to exercise supplemental jurisdiction over those claims
 11 pursuant to 28 U.S.C. §1367. Alternatively, diversity jurisdiction exists pursuant to 28 U.S.C.
 12 §1332.

VENUE

13 13. - Venue is proper in this district under 28 U.S.C. §1391(b) because a substantial
 14 part of the events or omissions giving rise to this action occurred in this district.

FACTUAL ALLEGATIONSBACKGROUND

15 14. In 2009 Plaintiff moved from Saudi Arabia to Canada after he was admitted to
 16 study at a Canadian university. While he was in Montreal as a student, Plaintiff, who is
 17 talented in the use of social media, would discuss the internal political affairs of KSA. Plaintiff
 18 would provide political commentary using Twitter and other media websites. His main
 19 contribution was criticism of the way the KSA regime ran Saudi Arabia, criticism of the royal
 20 family in KSA, corruption of KSA, and the foreign policy of KSA. Plaintiff was especially
 21 vocal about the grave violations of human rights in KSA, KSA's disregard for Saudi citizens,
 22 and their rights and freedoms.

23 15. KSA has one of the worst human rights records in the world. The State
 24 Department's 2014 Human Rights Report on Saudi Arabia summarized the situation:
 25 "[H]uman rights problems reported included abuses of detainees; overcrowding in prisons and

1 detention centers; investigating, detaining, prosecuting, and sentencing lawyers, human rights
 2 activists, and antigovernment reformists; holding political prisoners; denial of due process;
 3 arbitrary arrest and detention; and arbitrary interference with privacy, home, and
 4 correspondence. Violence against women, trafficking in persons, and discrimination based on
 5 gender, religion, sect, race, and ethnicity were common. Lack of government transparency and
 6 access made it difficult to assess the magnitude of many reported human rights problems.”
 7 “The government reportedly arrested and detained multiple persons during the year, refusing for
 8 extended periods in some cases to acknowledge the detention or to provide information about an
 9 individual’s whereabouts.”

10 ~~11. In fact, the best that the State Department could say in its 2014 report was that “[i]n contrast with previous years, there were no confirmed reports of torture by government officials.” By way of example, the Human Rights Report noted: “In 2011 security officials reportedly took human rights activist Mekhlif bin Daham al Shammari from his prison cell at the Dammam General Prison and allegedly poured an antiseptic cleaning liquid down his throat, resulting in his hospitalization.” Al Shammari was arrested “after he commented on Twitter in support of Shia-Sunni reconciliation and attended a Shia religious gathering.”~~
 12 ~~13. Another Shia cleric, Tawfiq al Aamer was arrested in 2011 for criticizing the government. In 2012 he was charged with calling for political change, libeling the country’s religious scholars, and collecting illegal religious donations, among other offenses. The Specialized Criminal Court (“SCC”), ostensibly established to prosecute terrorists, sentenced al Aamer to an eight year prison term, a subsequent 10 year travel ban, and a ban on publicly delivering sermons or speeches.~~
 14 ~~15. This brutal suppression is not just confined to religious minorities. On July 6, the SCC sentenced lawyer and human rights activist Waleed Abu Al Khair to a 15 year prison term, a subsequent 15 year international travel ban, and a 200,000 riyal (\$53,300) fine for activities related to his human rights work. These activities included public calls for reform, criticisms of government policies and officials, and his role in founding an unlicensed NGO,~~

Formatted: Line spacing: single

Formatted: Page Number, Font: 9 pt

Formatted: Left, Position: Horizontal: Center, Relative to: Margin, Vertical: 0.28", Relative to: Paragraph, Wrap Around

the Monitor for Human Rights in Saudi Arabia.

14. On October 27, 2014 a court sentenced lawyer Abdulrahman al Subaihi to eight years in prison and lawyers Bander al Nogaithan and Abdulrahman al Rumaih to five years in

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

FIRSTSECOND AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL
Case No. 3:19 CV-06694-LB

Formatted: Line spacing: single

Formatted: Page Number, Font: 9 pt

Formatted: Left, Position: Horizontal: Center, Relative to: Margin, Vertical: 0.28", Relative to: Paragraph, Wrap Around

~~+ prison for “undermining and slandering the judicial system” via critical tweets and for
2 “disobeying the ruler.”~~

~~3 15. Saudi authorities retaliated against Plaintiff for his political activities by harassing
4 him so severely that he applied for asylum in Canada on or about December 31, 2013. The
5 application was approved on February 21, 2014.~~

~~6 16. In response to this political persecution, Plaintiff increased his political activities as
7 a harsh critic of the rule of KSA, and he was especially popular among the youth in Saudi
8 Arabia. Today Plaintiff has over 400,000 followers on Twitter and the over 163,000
9 subscribers on YouTube channel he runs and on which he broadcasts his political views. In
10 addition, Plaintiff contributes to and manages, together with other pro-democracy activities, a
11 number of websites, Twitter accounts and YouTube channels. However, in 2015, he had
12 fewer than 200,000 Twitter followers and even fewer subscribers to his YouTube channel.~~

~~13 16.- Plaintiff was also a close ally of Jamal Khashoggi who was murdered in the
14 17. Saudi Consulate in Istanbul in the beginning of October 2018 by a group of assassins
related to the security and intelligence services of KSA. After Mr. Khashoggi left Saudi Arabia
and moved to the United States, a friendship developed between Plaintiff and Mr. Khashoggi.
The two started to cooperate on a range of political activities with the objective of educating the
public in Saudi Arabia. The political partnership became stronger and the two cooperated on
various projects. However, most of the projects did not materialize because this partnership and
friendship was suddenly cut short when Mr. Khashoggi was brutally murdered. The CIA has
concluded that Crown Prince Mohammad Bin Salman (“MBS”) ordered Mr. Khashoggi’s
assassination.~~

~~23 18. In December 2016 or January 2017, McKinsey singled Plaintiff out to the agents of
24 Prince Mohammed bin Salman by identifying Plaintiff as one of the top three voices shaping
25 public discussion about controversial austerity measures. The other two individuals were Mr.
26 Khaled Al-Alkami and an individual named “Ahmad.” After they were identified, Alkami was
27
28~~

← **Formatted:** Right: 0.2", No bullets or numbering,
Widow/Orphan control, Tab stops: Not at 0.81"

→ **Formatted:** Line spacing: single

→ **Formatted:** Page Number, Font: 9 pt

→ **Formatted:** Left, Position: Horizontal: Center, Relative to:
Margin, Vertical: 0.28", Relative to: Paragraph, Wrap Around

~~1 imprisoned and “Ahmad” disappeared. A true and accurate copy of what Plaintiff believes is
2 the McKinsey’s report is attached as Exhibit A.~~

Formatted: Highlight

~~3 19. McKinsey’s report was based on analysis of data from Twitter. One of Twitter’s
4 major sources of revenue is selling data to third parties who wish to mine it for analytical
5 purposes. Plaintiff is informed and believes and thereon alleges that Twitter and McKinsey
6 entered into a contract whereby Twitter would license or sell to McKinsey and McKinsey
7 would buy or license from Twitter internal data from Twitter’s database that is otherwise
8 unavailable to the public. As Twitter is headquartered in California, Plaintiff is informed and
9 believes and thereon alleges that the contract was entered into in California and that individuals
10 employed by or otherwise contracted by McKinsey in California worked on, were involved or
11 contributed to at least this aspect of McKinsey’s report.~~

~~12 20. Plaintiff is informed and believes and thereon alleges that given the level of detail
13 in the McKinsey report furnished to MBS (described below), that McKinsey purchased or
14 licensed internal data from Twitter to prepare the McKinsey report.~~

~~15 21. McKinsey has played a critical role in MBS’s drive to consolidate power in KSA.
16 McKinsey has earned many millions of dollars in projects in Saudi Arabia. Between 2010 and
17 2016, McKinsey’s project portfolio in Saudi Arabia has grown exponentially. McKinsey has
18 directly advised government agencies in KSA to the point that KSA’s Ministry of Planning has
19 acquired the nickname “Ministry of McKinsey” by some Saudis, including KSA’s royal court.
20 In 2017, McKinsey purchased a politically connected Saudi consultancy, which added 140 more
21 employees to McKinsey’s already 300 employees in the region.~~

Formatted: Normal, Right: 0.26", No bullets or numbering,
Tab stops: Not at 0.81"

Formatted: Highlight

Formatted: Highlight

~~22. McKinsey has maintained an office in Riyadh, the capital and main financial hub of Saudi
23 Arabia. The company’s website boasts that its “Saudi Arabia Practice helps Saudi leaders.”~~

Formatted: Highlight

~~24. The Brookings Institute attributes “the Kingdom’s new economic direction” and a
25 major government cabinet reshuffling of high ranking government ministers to McKinsey.
26 MBS himself has admitted that “McKinsey participates with us in many studies.” McKinsey
27 prepared a December 2015 report entitled “Moving Saudi Arabia’s Economy Beyond Oil.”~~

Formatted: Highlight

Formatted: Line spacing: single

Formatted: Page Number, Font: 9 pt

Formatted: Left, Position: Horizontal: Center, Relative to:
Margin, Vertical: 0.28", Relative to: Paragraph, Wrap Around

1 That December 2015⁴ report outlines an ambitious blueprint for KSA's economic
 2 transformation and diversification away from oil. In what the Brookings Institute refers to as a
 3 "glaring omission," the December 2015 report fails to sufficiently explain how KSA "will be
 4 able to change the mindset of everyday Saudi Arabia citizens, who have long been accustomed
 5 to state largesse that included fuel subsidies, loans, free land, and public sector jobs." The
 6 Brookings Institute goes on to insist that this is a "key issue" and questions how everyday
 7 citizens in Saudi Arabia will react to the reforms, referencing public discontent to a number of
 8 higher utility prices, which led to King Salman firing the water minister to appease the public.
 9 McKinsey's PowerPoint report, which identified Plaintiff as one of the three loudest voices of
 10 discontent against KSA's policies sought to "gauge citizen sentiment on recent austerity
 11 measures announced in KSA" by closely analyzing "data from twitter feed." In other words,
 12 McKinsey's PowerPoint presentation filled a crucial blank space in how KSA would be able to
 13 pursue controversial economic reforms by identifying those who were spreading the most
 14 criticism of such reforms.

15 On or about June 29, 2015, Saud Al Qahtani then a Minister to the Royal Court,
 16 emailed The Hacking Company to ask about its service. Shortly after that, Khashoggi and
 17 other Saudi dissidents were subjected to massive Twitter attacks.

The McKinsey Report

19 Since at least December of 2015, it was common knowledge in circles knowledgeable
 20 about KSA affairs that very notable nonviolent dissidents were being kidnapped from foreign
 21 countries and forcibly taken to Saudi Arabia where, after being seized by government forces,
 22 they were never heard from again.

27 ⁴The Brookings Institute argues that the December 2015 report inspired MBS's report entitled
 "Saudi Arabia's Vision 2030".

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Right: 0.32", No bullets or numbering, Widow/Orphan control

Formatted: Line spacing: single

Formatted: Page Number, Font: 9 pt

Formatted: Left, Position: Horizontal: Center, Relative to: Margin, Vertical: 0.28", Relative to: Paragraph, Wrap Around

+ 26. The 2016 Human Rights Report from the U.S. State Department reported that
 2 judges from KSA's SCC "were implicitly instructed to issue harsh sentences against human
 3 rights activists, reformers, journalists, and dissidents not engaged in violent activities."

Formatted: Highlight

4 27. In January of 2016 Amnesty International reported that the sister of jailed blogger Raif
 5 Badawi was imprisoned in yet a further attempt to intimidate activists.

Formatted: Right: 0.32", No bullets or numbering,
 Widow/Orphan control

Formatted: Highlight

Formatted: Highlight

6 28. Despite (or in furtherance of) this drumbeat of brutality and intimidation, in
 7 December 2016, McKinsey prepared a report that identified three of the most influential
 8 individuals on Twitter with respect to criticism of KSA's policies. Plaintiff was one of these
 9 individuals. On information and belief, McKinsey subsequently gave or displayed the report to
 10 agents of MBS and/or to MBS himself.

11 29. Before McKinsey published this report, KSA was infamous for suppressing both
 12 critical political speech, sentencing numerous writers and dissidents to death.

13 30. Before McKinsey published the report, Plaintiff was one of many dissidents who
 14 protested the corruption and human rights violations of KSA. After the publication of
 15 McKinsey's report, Plaintiff became one of three. By publishing this report and furnishing it to
 16 MBS, McKinsey effectively put a target on Plaintiff's back.

Formatted: Right: 0.32", No bullets or numbering,
 Widow/Orphan control

17 31. The McKinsey Report identified three "major influencers", Plaintiff, Khalid AlAlkami,
 18 and "Ahmad". After the report's distribution to MBS and/or his associates, AlAlkami was
 19 imprisoned, Plaintiff was hacked and he, his family, friends, associates, were harassed, and
 20 "Ahmad" has disappeared—or has been disappeared. Another dissenter whose tweet was
 21 merely quoted as an example of "highly negative sentiment", Aesa al Nukhifi, was imprisoned
 22 on March 24, 2017.

Formatted: Font: Bold, Underline

Twitter

23 32. On information and belief, McKinsey is still working with MBS and conducting training at his
 24 MISK Foundation.

Formatted: Right: 0", No bullets or numbering,
 Widow/Orphan control

25 33. At the drafting of the McKinsey report, it was foreseeable that such information
 26 would be used to target dissidents at least in part because KSA's abysmal human rights record

Formatted: Line spacing: single

Formatted: Page Number, Font: 9 pt

Formatted: Left, Position: Horizontal: Center, Relative to:
 Margin, Vertical: 0.28", Relative to: Paragraph, Wrap Around

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

FIRSTSECOND AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL
Case No. 3:19 CV-06694-LB

Formatted: Line spacing: single
Formatted: Page Number, Font: 9 pt
Formatted: Left, Position: Horizontal: Center, Relative to: Margin, Vertical: 0.28", Relative to: Paragraph, Wrap Around

+ ~~and utter contempt for democratic values, political criticism and freedom of expression was well known.~~

Twitter's Flawed Security and It's Misleading of Plaintiff

17. - Twitter informed the Securities and Exchange Commission that in 2015 it had nearly 3,900 employees and generated over \$2.2 billion of yearly revenue, more than enough to put in place adequate safeguards to protect its users. Rather than maintain enough staff to protect its users, Twitter laid off 336 employees in October 15, 2015 upon Mr. Dorsey's return as CEO. This constituted 8% of Twitter's workforce. Twitter's share value increased after the layoffs.

-In SEC filings, Twitter's main concern is user expansion.

Formatted: Right: 0.26", Line spacing: single, Widow/Orphan control, Don't adjust space between Latin and Asian text, Don't adjust space between Asian text and numbers

Formatted: Highlight

Formatted: Font: Not Bold, No underline, Highlight

Formatted: Right: 0.2", No bullets or numbering, Widow/Orphan control

18. Twitter allowed two spies to operate without interference. Twitter either (1) willfully ignoring all of this because it did not want to upset KSA if it did not have to (this opportunity vanished when western intelligence agencies formally notified Twitter of the spies) or (2) did not want to invest in having human beings monitor alerts. Due to established industry standards, Twitter had infrastructure that would have set off alerts upon a Twitter employee's unauthorized access to private user data and information.

Twitter Knew or Should Have Known that the Employees Became Unfit and Hazardous

and Unfit and that This Created a Particular Risk to Others, Including Plaintiff

19. Twitter anticipated inside jobs whereby employees would, for a variety of reasons, access or attempt to access private user data. Because of this, Twitter had a "Playbook" which outlined the policies Twitter employees must obey as part of their employment. In 2013, both Abouammo and Alzabarrah agreed to abide by the Twitter "Playbook." In pertinent part, the Twitter "Playbook" prohibited Abouammo and Alzabarrah from engaging in outside employment or consulting "or any other business activity that would create a conflict of interest with" Twitter. Twitter's 2013 Employee Invention Assignment and Confidentiality Agreements with Abouammo and Alzabarrah affirmed "a relationship of confidence and trust" between

Formatted: Line spacing: single

Formatted: Page Number, Font: 9 pt

Formatted: Left, Position: Horizontal: Center, Relative to: Margin, Vertical: 0.28", Relative to: Paragraph, Wrap Around

+ Twitter and each employee “with respect to any information of a confidential or secret nature
 2 that may be disclosed to [them] by [Twitter]...that relates to the business of [Twitter]. It defined
 3 “Proprietary Information” to include “customer lists and data.” The Employee Invention
 4 Assignment and Confidentiality Agreement further required Abouammo and Alzabarah to “keep
 5 and hold all such Proprietary Information in strict confidence and trust.” As employees,
 6 Abouammo and Alzabarah promised to “keep and hold all such Proprietary Information in strict
 7 confidence and trust.” They promised to “not use or disclose any Proprietary Information without
 8 the prior written consent of [Twitter].” It forbade them from using any Twitter information for
 9 any other business or employment.
 10
 11
 12 20. Further, Twitter had a “Gift Policy” during Abouammo and Alzabarah’s
 13 employment that stated: “[f]or gifts exceeding \$100 in value, bring the gift to the attention of
 14 both your manager and VP of HR before returning to sender.”
 15 **Reasons This Was Foreseeable to Twitter**
 16 21. Known as the “Arab Spring”, December 2010 through 2012 saw a wave of popular
 17 protests in the Arab world against autocratic governments in the region. According to
 18 numerous social scientists and regional experts and analysts familiar with the region, social
 19 media in general and Twitter in particular was at least one of the facilitators behind the “Arab
 20 Spring.” Autocratic governments, including KSA have recognized this. Since the Arab Spring,
 21 autocratic governments such as the KSA have clamped down on activists and invested heavily in
 22 state surveillance capabilities.
 23 22. - Twitter has also been used as a platform for those seeking the overthrow and/or
 24 reform of autocratic regimes outside of the Arab world, including Moldova, China and
 25 Ukraine.
 26 23. - Twitter is the 5th most frequently visited site in Saudi Arabia.
 27 <https://www.gogulf.com/social-media-saudi-arabia/> 2016 0118 last visited 2020 0824.
 28

FIRSTSECOND AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL
Case No. 3:19 CV-06694-LB

Formatted: Right: 0.2", No bullets or numbering, Widow/Orphan control

Formatted: Font: Bold

Formatted: Right: 0.2", No bullets or numbering, Widow/Orphan control

Formatted: Font: Bold

Formatted: Line spacing: single

Formatted: Page Number, Font: 9 pt

Formatted: Left, Position: Horizontal: Center, Relative to: Margin, Vertical: 0.28", Relative to: Paragraph, Wrap Around

24. Because of the use which activists have made of Twitter, authoritarian regimes in
37. the region and throughout the world have increasingly surveilled those activists' Twitter
3 accounts in an effort to disrupt and silence them.

← **Formatted:** Right: 0.2", No bullets or numbering,
Widow/Orphan control
Formatted: Font: Bold

4 25.- This is especially true for Saudi Arabia. Because traditional forms of public speech
5 38. are so thoroughly repressed, in the words of Plaintiff, "Twitter is our Parliament."
6 26.- Since at least 2009 tech companies have been targets of spying attempts by
7 39. authoritarian regimes. In January of 2010 Google revealed that between mid-2009 and
8 December 2009 it had been targeted by hackers interested in targeting the accounts of Chinese
9 dissidents. Within months the attack had been traced to the Chinese government. Suspecting an
10 insider attack, Google suspended and transferred many of itsGoogle suspected that state actors
11 (in this case the Chinese government) had organized an inside attack using Google's own
12 employees in mainland China.

← **Formatted:** Right: 0.2", No bullets or numbering,
Widow/Orphan control
Formatted: Font: Bold

← **Formatted:** Right: 0.2", No bullets or numbering,
Widow/Orphan control

← **Formatted:** Font: Bold

13 40. Google was not alone in experiencing insider attacks. In 2010 Chelsea Manning
14 exploited insider access to search and leak extensive amounts of classified electronic
15 intelligence material. In June of 2013 the Justice Department unsealed a criminal complaint
16 charging Edward Snowden with theft of government property he obtained while employed by a
17 government contractor.

18 27. - More efficient for a foreign intelligence service to bribe or coerce an employee to
19 do an inside job than to spend tens of millions to try to hack Twitter.

20
21 28. According to Frank Montoya, the FBI's former Director of National
22 Counterintelligence Executive, the Bureau has repeatedly warned social media platform of this
23 well before 2015. On information and belief, Twitter, which had over 100 million users by 2012,
24 was among the platforms so warned.

← **Formatted:** Line spacing: single

← **Formatted:** Page Number, Font: 9 pt

← **Formatted:** Left, Position: Horizontal: Center, Relative to:
Margin, Vertical: 0.28", Relative to: Paragraph, Wrap Around

25 29. According to Alex Holden, Chief Executive Officer of Hold Security, new cases of
26 data abuse that occur every month point to carelessness among companies.

27 30. Twitter itself had been repeatedly hacked. On July 4, 2011 Fox News reported that

+ 41. its Twitter feed had been hacked to falsely report that President Obama had been killed.
 2 On February 1, 2013 Twitter acknowledged that up to a quarter of a million user accounts had
 3 been hacked. On April 23, 2013 Associated Press' Twitter account was hacked by the Syrian
 4 Electronic Army to falsely report that there had been two explosions at the White House, and
 5 that President Obama had been injured. The same group took over numerous Twitter domains in
 6 August 2013.

Formatted: Right: 0.2", No bullets or numbering,
Widow/Orphan control

7 31.- By the time Twitter hired Alzabarrah on or about August of 2013, it had abundant
 8 notice that there was a clear and present threat of insiders being used to illegally access
 9 confidential data and that authoritarian governments such as KSA would be interested in using
 10 that data to help them target dissidents.

Formatted: Font: Bold

11 32. On or about June 2011, al-Qahtani publicly sought to purchase tools to ban people
 12 from Twitter or freeze their accounts.

Formatted: Right: 0.2", No bullets or numbering,
Widow/Orphan control

13 33. On information and belief Twitter's Board of Directors was warned of the danger
 14 posed by broad access to user accounts by employees and the dangers associated with such
 15 access before Plaintiff's data was stolen and furnished to KSA by Twitter employees.

Formatted: Font: Bold

Summary of Negligence Allegations against Twitter

16 34. Twitter negligently hires, trained, supervised, its employees. Twitter
 17 negligently failed to observe and control new employees it had put in risky positions and had
 18 given great trust and authority to. Twitter negligently failed to restrict access to user data by (a)
 19 limiting the persons who had access; and/or (b) limiting the extent-duration of the access.

20 35. Twitter negligently failed to design, construct, implement safeguards with
 21 adequate audits and alerts.

22 36. Twitter negligently failed to adequately warn its users who were affected by
 23 the inside job. Although Twitter claim sit sent a notice on December 11, 2015, that notice was
 24 defective because it was vague and lacked material information it knew users would be interested
 25 to know (it did not indicate that it was an inside job, that Saudi Arabia was the state sponsor, that

Formatted: Line spacing: single

Formatted: Page Number, Font: 9 pt

Formatted: Left, Position: Horizontal: Center, Relative to:
Margin, Vertical: 0.28", Relative to: Paragraph, Wrap Around

¹ the victims were critics of KSA). Further, it merely stated that the users “may have” been
² targeted when in fact, Twitter had no reason to doubt that users were indeed targeted.

The Predictability of Attack

⁴ 37. On November 3, 2013 Twitter hired Ahmad Abouammo as Media Partnerships

⁵ 43. Manager responsible for the Middle East and North Africa ("MENA") region. His duties
⁶ included helping “notable” accounts of public interest, brands, journalists, and celebrities for the
⁷ MENA region with content, Twitter strategy, and sharing best practices.

⁸ 38.- Plaintiff is informed and believes and thereon alleges that when an employee

⁹ 44. joins Twitter, he or she is supposed to apply for access to certain accounts. Grants of
¹⁰ access depend upon the team of which the employee is a member.

¹¹ 39.- Despite the sensitivity of the positions Alzabarah and Abouammo held given

¹² 45. political repression in the KSA and the very large number of Saudi reformers, dissidents
¹³ and activists who relied upon Twitter as a platform, Plaintiff is informed and believes and based
¹⁴ thereon alleges that Twitter made little or no effort to have an actual human security officer
¹⁵ review or monitor the activities of Twitter employees in sensitive positions. The result of this
¹⁶ was that although there were alerts when Abouammo and Alzabarah accessed and/or attempted
¹⁷ to access private user data they were not authorized to access and had no legitimate reason to
¹⁸ access, the alert fell on deaf ears and no remedial action would be taken to either stop the
¹⁹ unauthorized access or prevent unauthorized access.

Formatted: Normal, Right: 0.2", No bullets or numbering,
 Adjust space between Latin and Asian text, Adjust space
 between Asian text and numbers

Formatted: Right: 0.2", No bullets or numbering,
 Widow/Orphan control

Formatted: Right: 0.2", No bullets or numbering,
 Widow/Orphan control

1
2

3 40. On June 13, 2014 KSA official emails Abouammo with request to verify a Saudi
4 Royal Family member's twitter account. On June 14, 2014, the KSA official requests
5 Abouammo's contact information. The same day, Abouammo provides his Twitter and personal
6 contact information to the KSA official.

7 41. On information and belief, at all relevant times, Twitter ~~does~~did not have a practice
8 or policy of periodically investigating such employees to determine whether they pose a
9 danger to the privacy of Twitter's users. On information and belief, at all relevant times, Twitter
10 did not have a practice or policy of periodically investigating whether employees were accessing
11 or had accessed private user data without authorization in violation of the Twitter Playbook.

12 42. -While Abouammo was at Twitter, he knew and socialized with Alzabarah. In
13 April of 2014, Abouammo was assigned the task of helping a public relations firm, which
14 worked for KSA to verify a newscaster's Twitter account. Abouammo then asked the public
15 relations firm what else he could do to be of service to KSA.

16 43. - Al-Qahtani was hired by the Chief of the Royal Court in Saudi Arabia to protect
17 the KSA's reputation on-line by means of an "electronic army" suppressing adverse
18 social media content. He was officially appointed an Advisor to the Royal Court in KSA in 2012
19 and given the rank of Minister in 2015. In 2018, after the murder and dismemberment of Jamal
20 Khashoggi, al-Qahtani was relieved of his official position.

21 44. - In June 2014, al-Qahtani began cultivating Twitter employees, and told
22 Abouammo that he worked directly for MBS.

23 45. - In November of 2014, al-Qahtani arranged an in-person meeting in London at a
24 Twitter global media summit. During Abouammo's visit to London he met with Ahmed
25 Al-Jabreen, in a face-to-face meeting, told Abouammo that he was advising a "very important"
26 member of the Royal Family.

27 46. - Al-Jabreen founded a Saudi technology company, Samaat, which has ongoing
28

Formatted: Right: 0.2", No bullets or numbering,
Widow/Orphan control

Formatted: Right: 0.2", No bullets or numbering,
Widow/Orphan control

Formatted: Normal, Right: 0.2", No bullets or numbering

Formatted: Normal, Right: 0.2", No bullets or numbering

Formatted: Right: 0.2", No bullets or numbering,
Widow/Orphan control

Formatted: Line spacing: single

Formatted: Page Number, Font: 9 pt

Formatted: Left, Position: Horizontal: Center, Relative to:
Margin, Vertical: 0.28", Relative to: Paragraph, Wrap Around

51. business relationships with MISK, which is an MBS-controlled multi-billion dollar foundation, which later hired Alzabarah as its CEO.

47. - On or about November 20, 2014, when Al Jabreen and Abouammo had both 52. returned to the United States, they met in front of the Twitter offices in San Francisco, and remained outside of the offices for a private meeting.

48. - On or about November 20, 2014, Al Jabreen posted a photo of himself and 53. Abouammo in front of Twitter's headquarters.

49. - On December 5, 2014, al-Qahtani met Abouammo in London and gave him a 54. luxury Hublot watch valued at over \$25,000.

50. - The gift of this watch was just the first of many transactions. Abouammo 55. ultimately received at least \$300,000 from KSA. In doing so, Abouammo violated the Twitter Playbook. Plaintiff is informed and believes and thereon alleges that the purpose of the Twitter Playbook's gift policy is at least in part, designed to prevent Twitter employees from being bribed into performing inside jobs for outside entities. However, because Twitter lacked the proper safeguards in place to actually investigate Abouammo, Twitter did not properly address the issue and hold Abouammo accountable.

51. - In December 2014, Abouammo began accessing private Twitter data useful to 56. KSA often at the direct request of Al-Qahtani. On July 9, 2015,

The Detectability of the Insider Attack at Twitter

52. On December 12, 2014 Abouammo began accessing private and confidential 57. account data from the Twitter account operated by a London-based Saudi whistle blower, Mujtahid ibn Harith ibn Hamam ("Mujtahid"). Abouammo also accessed Mujtahid's data on 23. January 5, 2015, January 27, 2015, February 4, 2015, February 7, 2015, February 18, 2015, and 24. February 24, 2015. Plaintiff is informed and believes and based thereon alleges that 25. Abouammo's illicit viewing of Mujtahid's direct messages included private communications to 26. and from Plaintiff. None of this was detected by Twitter in a timely manner. Despite the alerts

Formatted: Right: 0.2", No bullets or numbering, Widow/Orphan control

Formatted: Normal, Right: 0.2", No bullets or numbering

Formatted: Pattern: Clear, Highlight

Formatted: Line spacing: single

Formatted: Page Number, Font: 9 pt

Formatted: Left, Position: Horizontal: Center, Relative to: Margin, Vertical: 0.28", Relative to: Paragraph, Wrap Around

that were sounded in Twitter's infrastructure due to this unauthorized access of private user data.

Twitter took no remedial action in response to the unauthorized access.

Formatted: Highlight

53. At all times material hereto, Twitter's practice was to store users' direct messages for purposes of backup protection. In fact, a computer researcher reported in 2019 that "Twitter retains direct messages for years, including messages you and others have deleted, but also data sent to and from accounts that have been deactivated and suspended."
sent to and from accounts that have been deactivated and suspended."

54. On February 16, 2015, al-Qahtani called Abouammo three times. Abouammo introduced Alzabarah to Al Jabreen. On that same day Al Jabreen called Alzabarah.
55. - While Abouammo and Alzabarah were employed at Twitter, there were certain established industry standards with respect to service providers (including Twitter) that stored private user data. Among other things, such industry standards required a strict process of monitoring for anomalous system activity, authorized or unauthorized user access incidents (whether internal or external), and alerts as well as audits. For the alerts to be meaningful, audits and monitoring by human employees was required to actually detect and address unauthorized access of private user data. While the Twitter Playbook provided the policies for such industry standards, Twitter lacked the systems in place to actually enforce and execute those standards.

56. At all relevant times to this lawsuit:

- a. Twitter did not have adequate access controls in place to restrict access to such sensitive data.
- b. Twitter's system allowed personnel to access confidential user account information even though they were not authorized to do so.
- c. Twitter was not monitoring access to this highly confidential account data or analyzing user activity logs for this data.
- d. Twitter was not utilizing tools that detect unauthorized or anomalous behavior By employees or rogue insider activities with respect to this data, or if they

Formatted: Normal, Right: 0.2", No bullets or numbering

Formatted: Pattern: Clear, Highlight

Formatted: Pattern: Clear, Highlight

Formatted: Normal, Right: 0.2", No bullets or numbering

Formatted: Highlight

Formatted: Line spacing: single

Formatted: Page Number, Font: 9 pt

Formatted: Left, Position: Horizontal: Center, Relative to: Margin, Vertical: 0.28", Relative to: Paragraph, Wrap Around

were, they were not receiving the reports of these tools.

- e. Twitter was not restricting remote access to this sensitive account data, even by an employee who had gone absent from the workplace for a month.
- f. Twitter was not enforcing its policies and confidentiality agreements.
- g. Twitter had lax internal procedures regarding responses to emergency disclosure requests from an authoritarian regime.
- h. Twitter's incident response procedures were lacking, since it apparently did not (a) conduct much of an internal investigation when it discovered Alzabarah's unauthorized access to the user account data or (b) engage law enforcement. It simply confronted him, put him on leave, and let him walk off to get on a plane and leave the country. This, despite Twitter having the authority and ability to detain Alzabarah and turn him over to the authorities for arrest and prosecution.
- i. On information and belief, the private user account data Twitter stored was not encrypted. Had it been encrypted, Alzabarah and Abouammo would not have been able to see the account information.
- j. Twitter did not have an adequate human supervision process to monitor private user data. Twitter will only be careful when there is a financial incentive for them to do so.

57. As further evidence, in December 2015, Twitter told the FBI that they are tightening restrictions with respect to access to user information. Yet, as of the Summer of 2020, 1,000 employees and contractors have access to and can even change user data. Importantly, the FBI opened an investigation into Twitter out of national security concerns. Twitter never learns. Some of the contractors created fake user tickets to justify or excuse the intrusion. There were so many account-spying episodes that the security team was unable to keep track of them.

58. It was a significant departure from Abouammo's Alzabarah's prior practice to access these accounts. Had Twitter had proper safeguards in place, they would have noticed that something was wrong and would have/should have investigated it. Neither Abouammo nor

Formatted: Line spacing: single

Formatted: Page Number, Font: 9 pt

Formatted: Left, Position: Horizontal: Center, Relative to: Margin, Vertical: 0.28", Relative to: Paragraph, Wrap Around

1 Alzabarah had a legitimate reason to access these accounts. Indeed, neither Abouammo nor
2 Alzabarah's job duties included a need to access a Twitter's user's private information and doing
3 so was a reportable violation.

5 59. Alzabarah did not start using Profile Viewer until he started working for KSA. This
6 should have been a red flag for Twitter. Alzabarah's access and use of Profile Viewer would
7 have generated an alert in Twitter's security system as an unauthorized access. Unfortunately,
8 because Twitter lacked the monitoring in place to address such alerts, Alzabarah's unauthorized
9 access, though easily detectable, went unnoticed and unchecked.

10 60. In the exercise of due care any and all of Abouammo and Alzabarah's unauthorized
11 access escapades should have been detected and been cause for intervention.

12 60.61. On February 20, 2015, Al Jabreen tweeted a photograph of himself with
13 Alzabarah.

14 62. - On March 8, 2015, Abouammo sent al-Qahtani a direct message via Twitter
15 proclaiming, "proactively and reactively we will delete evil, my brother".

16 63. - Alzabarah tells his wife on a Twitter owned laptop that he is going to Washington at
17 the request of KSA

18 64. On May 13, 2015, Al Jabreen posted a photo of himself with MBS, exclaiming that
19 he was honored to meet the dictator.

20 65. - On the very next day, Alzabarah flew from San Francisco to Washington, D.C.,
21 63. where he stayed only twelve hours, to meet with representatives of MBS before returning
22 to California.

23 66. - KSA recruited Alzabarah to access Plaintiff's private Twitter information (e.g. direct
24 messages and other confidential data and information that is not available to the public)
25 and leak it to KSA.

26 67. - Beginning on May 21, 2015, and continuing for approximately six months,

- Formatted: Pattern: Clear, Highlight
- Formatted: Right: 0.2", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"
- Formatted: Highlight
- Formatted: Pattern: Clear, Highlight
- Formatted: Pattern: Clear, Highlight
- Formatted: Normal, Right: 0.2", No bullets or numbering
- Formatted: Highlight
- Formatted: Highlight
- Formatted: Normal, Right: 0.2", No bullets or numbering
- Formatted: Highlight
- Formatted: Normal, Right: 0.2", No bullets or numbering
- Formatted: Highlight
- Formatted: Normal, Right: 0.2", No bullets or numbering
- Formatted: Highlight
- Formatted: Normal, Right: 0.2", No bullets or numbering
- Formatted: Highlight
- Formatted: Normal, Right: 0.2", No bullets or numbering
- Formatted: Page Number, Font: 9 pt
- Formatted: Left, Position: Horizontal: Center, Relative to: Margin, Vertical: 0.28", Relative to: Paragraph, Wrap Around

+ 65. Alzabarrah accessed the confidential user data for nearly 6,000 Twitter users, including at
 2 least 33 names for which KSA security personnel had asked Twitter for “emergency
 3 disclosures.” Alzabarrah had no legitimate reason to access private user information. Granting
 4 Alzabarrah unnecessary access to so many accounts over such a long period of time is a glaring
 5 failure under established industry standards. Indeed, the established industry standards provide
 6 that an employee must apply for access to private user data. Had Twitter been following those
 7 standards, Alzabarrah would not have been able to access the private user information that he did
 8 access because he would have had to apply to do so and his application would have been
 9 denied. Further, such established industry standards indicate that even where an employee
 10 receives access to private user data after providing good cause for such access in an application,
 11 such access is only granted for a very limited period of time and 6 months vastly exceeds any
 12 established industry standards.

Formatted: Highlight

Formatted: Normal, Right: 0.26", No bullets or numbering

+ 68.- To accomplish this, Alzabarrah used official Twitter software called a Profile
 13 66. Viewer. This Twitter software, along with other company tools, afforded Alzabarrah
 14 access to private account information. Plaintiff is informed and believes and based thereon
 15 alleges that the account information that could be viewed by Profile Viewer and other means
 16 available to Alzabarrah included but was not limited to information about the devices the
 17 account holder used, all recent IP information, logs containing the user’s actions on Twitter,
 18 including direct messaging, logs containing information about the browsers used by the account
 19 holder, and all holder-provided biographical information.

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Normal, Right: 0.26", No bullets or numbering

+ 69.- On May 22, 2015, the day after Alzabarrah began his illegal searches, Abouammo
 21 67. resigned from Twitter. On information and belief, Abouammo left Twitter having had
 22 unauthorized access for about 5 months and nobody at Twitter ever confronted him about it.

Formatted: Highlight

Formatted: Highlight

Formatted: Normal, Right: 0.26", No bullets or numbering

Formatted: Highlight

Formatted: Highlight

+ 70.- The aberrant conduct of Abouammo and Alzabarrah constituted “red flags” which
 23 should have alerted Twitter

Formatted: Line spacing: single

Formatted: Page Number, Font: 9 pt

Formatted: Left, Position: Horizontal: Center, Relative to: Margin, Vertical: 0.28", Relative to: Paragraph, Wrap Around

+ 68. did set off alerts to the riskTwitter of illegal and unauthorized activity. Twitter
 2 disregarded facts which rendered Abouammo and Alzabarrah unfit for continued employment in
 3 a sensitive position which allowed him to access confidential user data.

Formatted: Highlight
Formatted: Normal, Right: 0.26", No bullets or numbering
Formatted: Highlight
Formatted: Highlight

4 71. On or about May 29, 2015, Alzabarrah accessed, without authorization, private
 5 account information of two Twitter accounts over the course of approximately one hour.

Formatted: Highlight
Formatted: Highlight
Formatted: Normal, Right: 0.26", No bullets or numbering

6 72. Long after Abouammo had left Twitter, he continued contacting his former
 7 colleagues to transmit KSA security officials' requests for private information about
 8 Twitter account holders. Although Twitter managers asked him to stop, and to direct Saudi
 9 officials to contact Twitter directly. Abouammo continued to handle this personally. This also
 10 should have prompted Twitter to investigate what Abouammo had done while he was at
 11 Twitter.

Formatted: Highlight
Formatted: Normal, Right: 0.26", No bullets or numbering

12 73. - In June of 2015 Alzabarrah accessed private and confidential information from
 13 5,726

14 70. Twitter accounts in violation of established industry standards. Unauthorized access to
 15 so many accounts in such a short period of time would have sent alerts to Twitter's security
 16 system. However, because there was insufficient monitoring, the alerts went ignored.

Formatted: Highlight
Formatted: Highlight
Formatted: Right: 0.26", No bullets or numbering, Widow/Orphan control

17 74. - The private confidential information Plaintiff had trustingly left in Twitter's care
 18 71. included his unique and complex Twitter password, his IP addresses, and his direct
 19 messages, none of which Plaintiff had shared with the public or with KSA.

Formatted: Highlight
Formatted: Highlight
Formatted: Right: 0.26", No bullets or numbering, Widow/Orphan control

20 75. - With the first month of raiding undetected by Twitter, on July 5, 2015 Alzabarrah
 21 again accessed Plaintiff's confidential and private information.

Formatted: Highlight
Formatted: Right: 0.26", No bullets or numbering, Widow/Orphan control
Formatted: Highlight
Formatted: Highlight

22 76. - To his knowledge and recollection, Plaintiff has never even met Alzabarrah or
 23 Abouammo, and neither bears any personal malice towards Plaintiff.

Formatted: Line spacing: single
Formatted: Page Number, Font: 9 pt
Formatted: Left, Position: Horizontal: Center, Relative to: Margin, Vertical: 0.28", Relative to: Paragraph, Wrap Around

24 77. - Plaintiff had placed his full trust and confidence into Twitter that his data and
 25 anonymity with respect to his pseudonymous account would be protected. Twitter breached
 26 that duty to him by allowing two employees to do what Twitter had promised Plaintiff would
 27 not happen: gain unauthorized access to his private user data and violate his privacy.
 28

1 Importantly, on information and belief, Abouammo and Alzabarrah raided both Plaintiff's
2 regular account and pseudonymous account.

3 78. Nonetheless, the danger Alzabarrah and Abouammo posed to Plaintiff's confidential
4 74. data was inherent in Twitter's manner of operation. First, Twitter furnished Alzabarrah
5 and Abouammo with the access, hardware and software tools that enabled them to raid
6 Plaintiff's private information. This would not have been possible were they not employed by
7 Twitter. Second, Twitter implemented and benefited from policies that allowed and encouraged
8 its technical and professional staff to work offsite, from multiple locations. Although Twitter
9 benefitted from the greater productivity this allowed, it even further reduced Twitter's ability to
10 monitor sensitive employees' conduct. Finally, Twitter implemented and benefitted from
11 policies allowing its professional and technical staff flexibility as to when and where they
12 performed their work, further complicating any monitoring Twitter should have been doing.
13 With hundreds of millions of active users and a great many employees who had access to their
14 data, the risk that confidential data would be exposed was broadly incident to Twitter's mode of
15 operation.

16 79. - Despite all of the known risks that the private information of account holders was
17 in

18 75. danger, Twitter failed to institute adequate safeguards to protect this data or even alert
19 Twitter's senior management that private account data was being raided.

20 80. - In 2015, Twitter's terms of service contained a privacy policy. TheTwitter
21 informed its

22 76. users (including Plaintiff) by way of its privacy policy indicates effective May 18, 2015
23 that "Our default is almost always to make the information you provide through the Twitter
24 Services public for as long as you do not delete it, but we generally give you settings or
25 features, like direct messages and non-public communications on the Twitter platform allow
26 users to control who saw their content, to make the information more private if you want."
27 Twitter, due to the herein alleged conduct, has breached the terms of service and privacy policy.

Formatted: Highlight

Formatted: Highlight

Formatted: Normal, Right: 0.26", No bullets or numbering

Formatted: Highlight

Formatted: Normal, Right: 0.26", No bullets or numbering

Formatted: Normal, Right: 0.26", No bullets or numbering

Formatted: Font: 12 pt

Formatted: Line spacing: single

Formatted: Page Number, Font: 9 pt

Formatted: Left, Position: Horizontal: Center, Relative to: Margin, Vertical: 0.28", Relative to: Paragraph, Wrap Around

1. On or about June 19, 2015 and July 2015, Alzabarah accessed Plaintiff's account.
 2. Just weeks after the massive invasion of Twitter accounts, Alzabarah took an entire
 3. month of personal leave, beginning July 11, 2015. He immediately flew to Saudi
 4. Arabia. While on personal leave in Saudi Arabia he broke into the private and confidential
 5. information of hundreds of other Twitter account holders. Inexplicably, Twitter permitted this
 6. and never confronted him over this until December 2, 2013 after Twitter was informed of
 7. Alzabarah's criminal activity by Western intelligence agencies.

8. 83. - On or about September 27 and 28, 2015, Alzabarah without authorization accessed
 9. Mujtahid's private information

10. 84. On September 28, 2015, Mujtahid, the London-based whistle blower filed a formal
 11. complaint with Twitter, reporting that his private information had been illegally
 12. accessed.

13.
 14.
 15. 85. Despite being uniquely qualified and situated to discover the herein alleged
 16. breaches of confidential data, Twitter was either unaware of Abouammo's and
 17. Alzabarah's activities or chose to not investigate them until it was notified by Western
 18. intelligence officials. On December 2, 2015, Twitter confronted Alzabarah with this
 19. information and placed him on administrative leave. On information and belief, Alzabarah left
 20. Twitter having enjoyed unauthorized access for about 6 months and nobody at Twitter had ever
 21. confronted him about it until Twitter was notified by Western intelligence agencies in
 22. December 2015.

23. 86. - The very next day Alzabarah, his wife, and his daughter fled the country after
 24. numerous telephone calls between him and the Saudi Consulate in Los Angeles.
 25. Alzabarah resigned from Twitter while flying out of the United States on December 3, 2015.

26. 87. In just one month, Alzabarah began using an email address. Neither Alzabarah nor
 27. Abouammo made any attempt to conceal their illicit

¹ activities while at Twitter.

² **Twitter's Respondeat Superior Liability for the Theft**

³ 88. Twitter failed to follow FBI recommendations to report foreign travel, report foreign
⁴ contact, etc. Had Twitter followed these guidelines, they could have stopped Alzabarah and
⁵ Abouammo

⁶ 89. ABOUAMMO and ALZABARAH had access to proprietary and confidential Twitter
⁷ information, including information about Twitter users, such as the user-provided names and
⁸ birthdates, device identifiers, relationships, phone numbers, internet protocol ("IP") addresses and
⁹ session IP histories, among other things.

¹⁰ 90. Neither ABOUAMMO's nor ALZABARAH's job duties involved a need to access a
¹¹ Twitter user's private information and doing so was a reportable violation of the Twitter Playbook
¹² policies regarding handling and protecting user data.

¹³ 91. Neither ABOUAMMO nor ALZABARAH had authority from Twitter to receive,
¹⁴ access, or produce user information pursuant to any governmental emergency disclosure request.

¹⁵
¹⁶
¹⁷ 92. Even after Alzabarah left the country, Abouammo continued to use his internal
¹⁸ networks to gather information inside Twitter. Abouammo continued to do this until at least
¹⁹ March 1, 2016. There is no indication from Twitter that it has plugged these leaks.

²⁰ **How the Twitter Inside Job Harmed Plaintiff**

²¹ 93. The Profile Viewer software that Twitter let Abouammo and Alzabarah use
²² allowed them to access private user account data, on both Plaintiff's public account and a
²³ pseudonymous account Plaintiff established so he could help people who might be afraid to be
²⁴ in touch with him directly. The data illicitly viewed by the Twitter employees exposed
²⁵ Plaintiff's name on the pseudonymous account, his IP address, his password, his direct
²⁶ messages, and his telephone number. Neither Abouammo nor Alzabarah had any legitimate

Formatted: Line spacing: single

Formatted: Page Number, Font: 9 pt

Formatted: Left, Position: Horizontal: Center, Relative to: Margin, Vertical: 0.28", Relative to: Paragraph, Wrap Around

+ reason to be using the Profile Viewer software and doing so would have sent an alert to
 2 Twitter's security systems.

3 94. Plaintiff relied upon Twitter promise that the direct messages (DMs) would remain
 4 private to help protect his allies, associates and those who merely sought to correspond with
 5 him but feared KSA retaliation were the relationship with Plaintiff were to become publicly
 6 known. Some Twitter users in Saudi Arabia used direct messaging to ask Plaintiff to express
 7 analyses or opinions they were afraid to publicly express themselves. The privacy direct
 8 messaging offered was essential for conversations Plaintiff had with dissidents and activists
 9 who would be endangered were the authoritarian regime to learn of their beliefs.

10 95. Plaintiff's DMs that Abouammo and Alzabarah raided and furnished to KSA
 11 included conversations with other dissidents and activists that Plaintiff wished to keep private
 12 and out of the public realm because of the sensitive nature of those conversations (relying upon
 13 Twitter's privacy policy) out of concern that if such conversations became public, Plaintiff
 14 would be harmed given the nature, content and individuals involved in those direct messaging
 15 conversations.

16
 17

18 96. On information and belief, Twitter records and preserves geolocation data on its
 19 users, even those using the supposedly private DM system. Geolocation data of DM users
 20 made the users in Saudi Arabia vulnerable to surveillance and imprisonment. On information
 21 and belief Twitter has denied that there are data logs which would show that Plaintiff's DMs
 22 had been accessed. However, when Plaintiff refused demands that he return to Saudi Arabia
 23 KSA unleashed a brutal campaign upon a great many of people who had done nothing more
 24 than privately correspond with Plaintiff, arresting and imprisoning a great many of them within
 25 days of one another.

26 97. Twitter employees Abouammo and Al-Zabarah also used Twitter software to
 27
 28

FIRSTSECOND AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL
 Case No. 3:19 CV-06694-LB

Formatted: Line spacing: single

Formatted: Page Number, Font: 9 pt

Formatted: Left, Position: Horizontal: Center, Relative to: Margin, Vertical: 0.28", Relative to: Paragraph, Wrap Around

+ obtain the IP address of many of their victims, including Plaintiff. At the time Plaintiff's
 2 private user Twitter data was stolen he had two tablet computers which he frequently used
 3 from his home. Compromising an IP address greatly aids in locating people who frequently
 4 use a particular router. Indeed, that Plaintiff's public and pseudonymous accounts used the
 5 same static IP address would greatly aid any surveillance team in determining that both Twitter
 6 accounts may be operated by the same person.

7 98. The value of knowing an IP address is apparent from the fact that Citizen's Lab,
 8 the NGO dedicated to protecting human rights through internet security was able to locate and
 9 identify Plaintiff as the first victim of the Saudi's Pegasus malware attack by tracing aberrant
 10 data traffic patterns to a particular static IP address.

11 99. Twitter employees Abouammo and Alzabarah also used Twitter software to obtain
 12 Plaintiff's telephone number. Access to this number enabled KSA to send the malware to
 13 Plaintiff's phone via a spear-phishing text message.² Neither Abouammo nor Alzabarah had
 14 any legitimate reason to access this private information from Twitter's database and doing so
 15 would have sent an alert to Twitter's security systems.

16 100. The information Twitter's employees stole and turned over to KSA was
 17 essential to MBS' plan to silence Plaintiff by threatening, and ultimately imprisoning and
 18 torturing his brother, his friends, and even just people who had exchanged messages with him
 19 on Twitter. Plaintiff's family had never been threatened until late in December 2015 or the first
 20 weeks of 2016, immediately after Alzabarah returned to Saudi Arabia to take his executive
 21 position in MISK.

22 101. The interrogation of Plaintiff's family in early 2016 was followed by the
 23
 24

25
 26 ² In 2013 when Plaintiff was 22 he gave his phone number to someone who posted it to the
 27 Facebook page of a Montreal film making group , as Plaintiff was looking for assistance in
 28 making a YouTube series about immigrants. Although Twitter argues that its Saudi investors
 could have learned of his telephone number this way. This unproven assertion is a matter for
 discovery, not resolution at the pleading stage.

Formatted: Line spacing: single

Formatted: Page Number, Font: 9 pt

Formatted: Left, Position: Horizontal: Center, Relative to: Margin, Vertical: 0.28", Relative to: Paragraph, Wrap Around

1 imprisonment of his brothers and torture in 2018. Tragically, they are far from the only people
 2 to suffer in this manner. In March of 2018, just months before Plaintiff's brothers were seized,
 3 Areej al-Sadhan, who had only used an anonymous account to Tweet his criticisms of MBS,
 4 was among those swept up by Saudi police. Gamal Eid, executive director of the Arabic
 5 Network for Human Rights Information, or ANHRI, an Egypt-based group that monitors
 6 human rights violations in the region is emphatic that the timing of the arrests of five other
 7 Saudi critics who had used anonymous Twitter accounts shows that the arrests are linked to the
 8 data stolen by the two Twitter employees. That data has allowed KSA to hunt down and
 9 persecute dissenters.

10. Control over Twitter was actually a point of pride for MBS. In 2015 MBS had
 11 bragged to Dr. Saad that MBS had had "our guy in Twitter" stop someone, which Dr. Saad
 12 understood to mean that a Twitter employee was covertly working for MBS. In 2017 al-
 13 Qahtani, who had previously sought software that could be used to either ban Twitter users or
 14 to repeatedly freeze their accounts, boastfully tweeted, "Does a pseudonym protect you from
 15 the blacklist? No."³

Twitter's Refusal to Repudiate the Data Theft Impliedly Ratified the Thieves' Conduct

16. By December 2, 2015 Twitter had been told by government counterintelligence
 17 agents that Alzabarrah had used his Twitter position and Twitter's software to obtain private user
 18 data, and that thousands of user accounts had been breached.

19. On December 2, 2015 Twitter confronted Alzabarrah, who readily admitted that
 20 he had accessed this information. Twitter's security team had the legal authority to arrest
 21 Alzabarrah on the spot pursuant to California Penal Code §837 permitting such arrests when a
 22 felony has been committed, and there is reasonable cause to believe the person arrested is the
 23 felon. Yet instead of arresting Alzabarrah, Twitter escorted him safely out of the building. And
 24

25
 26
 27 ³ It is a measure of KSA's control over Twitter that even this direct threat of government
 28 violence against other Twitter users did not lead to even a brief suspension of Al-Qahtani's
 account. It would be another two years before he was finally banned from the platform.

Formatted: Line spacing: single

Formatted: Page Number, Font: 9 pt

Formatted: Left, Position: Horizontal: Center, Relative to: Margin, Vertical: 0.28", Relative to: Paragraph, Wrap Around

+ instead of firing him, they merely suspended him. Alzabarah later resigned from his position at
 2 Twitter.

3 105. Twitter knew that Alzabarah had been working for KSA. By October of 2015 the
 4 Saudi Royal Family owned more of Twitter's stock than did its founder and CEO, Jack Dorsey.
 5 In April of that year Twitter's share value had plunged 18% after a poor first quarter 2015
 6 performance. Twitter had every reason to downplay this major security breach, and to avoid
 7 antagonizing its largest investors. And so it did.

8 106. Twitter inexplicably waited at least nine days from the time government agents
 9 told Twitter of this massive insider job before breathing a word to anyone outside the company.
 10 There was no press release the way other data breaches were admitted. There was no
 11 repudiation of KSA spying. In fact, there was no mention of KSA at all.

12 107. Nine days after bidding Alzabarah farewell Twitter quietly sent emails and in-
 13 application notices to some -- but not all -- of the victims. Plaintiff and another prominent
 14 London-based dissident using the name Mujtahid, received no warning at all. On information
 15 and belief, Twitter gave no notice to the popular press -- and did not even notify the "tech for
 16 laypersons" media such as CNET or Wired. News of the theft filtered out only because some
 17 security researchers who were among the victims blogged or Tweeted about it. Twitter did not
 18 tweet about it nor did it hold a press conference.

19 108. Twitter's tight-lipped and cryptic warning was useless. Twitter never told a soul
 20 that the Saudis, their investors, had done this. Instead, Twitter merely cautioned that a "state
 21 actor" *might* have been involved, leaving victims utterly in the dark about whether the data had
 22 been stolen by China, Russia, or any other nation. This was so mysterious Runa Sandvik, a
 23 security researcher who used to work for the Tor Project and now trains journalists in privacy
 24 and security criticized the notice as "not terribly helpful", telling a technology reporter that it
 25 gave her no information about who it was or what had flagged Twitter's suspicions. What is
 26 more, there were no clear links between the users who did receive the December 11, 2015

27
 28
 FIRSTSECOND AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL
 Case No. 3:19 CV-06694-LB

Formatted: Line spacing: single

Formatted: Page Number, Font: 9 pt

Formatted: Left, Position: Horizontal: Center, Relative to: Margin, Vertical: 0.28", Relative to: Paragraph, Wrap Around

1 notice. Overall, the Twitter users who did receive the December 11, 2015 notice were just left
2 confused and with more unanswered questions about what had even happened.

3 109. Far from a full-throated repudiation of this massive theft, Twitter said nothing of
4 the Saudi role. It did not want to upset its KSA investors. Twitter's December 11, 2015 notice
5 did not redress the harm done by its employees: Abouammo and Alzabarah.

6 110. Just one month after being caught, Alzabarah began using an email address
7 showing his affiliation with the multi-billion dollar MISK Foundation, of which
8 he is now the Chief Executive Officer. MISK is MBS's personal foundation—~~Al Qahtani sits~~
9 on its Board of Directors, and Al-Qahtani sits on its Board of Directors. If Twitter had indeed
10 been investigating Alzabarah after his resignation, they would have discovered this fact and
11 should have warned the victims about it as it further evidenced that KSA had been behind the
12 attack (the regime rewarded the Twitter spy with a prestigious and presumably lucrative job).

13 111. ~~In the six~~ months after Alzabarah fled, Twitter's CEO, Jack Dorsey, met with
14 MBS, despite knowing full well that Alzabarah and Abouammo had pillaged
15 Twitter accounts on behalf of ~~KAKSA~~ and ~~knowing~~ that MBS rewarded Alzabarah by making
16 him CEO of MISK. ~~The following is a picture of Mr. Mr. Dorsey and MBS celebrating their~~
17 ~~meeting, did not forget to bow his head to the dictator who had been behind the raid of private~~
18 ~~information of his platform's users.~~

Formatted: Highlight

Formatted: Normal, Right: 0.26", No bullets or numbering, Tab stops: 1", Left

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Right: 0.26", No bullets or numbering, Widow/Orphan control, Tab stops: 1", Left

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Line spacing: single

Formatted: Page Number, Font: 9 pt

Formatted: Left, Position: Horizontal: Center, Relative to: Margin, Vertical: 0.28", Relative to: Paragraph, Wrap Around



FIRSTSECOND AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL
Case No. 3:19 CV-06694-LB

Formatted: Line spacing: single
Formatted: Page Number, Font: 9 pt
Formatted: Left, Position: Horizontal: Center, Relative to: Margin, Vertical: 0.28", Relative to: Paragraph, Wrap Around



112. Mr. Dorsey's subservience starkly contrasts with the behavior one may expect
from an executive whose institution has been mistreated:



~~FIRSTSECOND~~ AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL
Case No. 3:19 CV-06694-LB

Formatted: Line spacing: single

Formatted: Page Number, Font: 9 pt

Formatted: Left, Position: Horizontal: Center, Relative to: Margin, Vertical: 0.28", Relative to: Paragraph, Wrap Around

+ 113. Twitter never revealed to the Plaintiff or the numerous other victims of this data
 2 theft that the company derived great financial benefit from its relationships with KSA,
 3 other despots in the region, and millions of individuals living in Saudi Arabia.

Formatted: Highlight

Formatted: Highlight

Formatted: Right: 0.26", No bullets or numbering, Widow/Orphan control

4 114. Twitter also insisted on retaining the financial benefits of those relationships
 5 despite the irreversible damage done to so many of its account holders.

Formatted: Highlight

Formatted: Highlight

Formatted: Right: 0.26", No bullets or numbering, Widow/Orphan control

6 85. On October 20, 2018, Abouammo was interviewed by FBI agents. He made false
 7 statements about why he had been given \$100,000 of the \$300,000 he had received, and created
 8 a false invoice that he gave to the FBI, purportedly justifying the payment.

Formatted: Highlight

Formatted: Highlight

Formatted: Right: 0.26", No bullets or numbering, Widow/Orphan control

9 86. On November 19, 2019, the United States Attorney's Office of the Northern
 10 District of California filed an indictment charging Abouammo, Al Jabreen and Alzabarah with
 11 violations of 18 USC section 951 (Acting as an Agent of a Foreign Government Without
 12 Notice to the Attorney General) (Case Number 3:19-cr-00621-EMC).

Formatted: Highlight

Formatted: Highlight

Formatted: Right: 0.26", No bullets or numbering, Widow/Orphan control

13 87. Plaintiff is informed and believes and thereon alleges that although Alzabarah
 14 invaded thousands of Twitter accounts of Saudi dissidents, KSA elected to use Pegasus
 15 malware to target only a relative few, including Plaintiff. Plaintiff is unaware of other Twitter
 16 users who KSA targeted with Pegasus malware. Plaintiff is informed and believes and thereon
 17 alleges that KSA targeted Plaintiff with Pegasus malware because of what KSA learned from
 18 accessing Plaintiff's Direct Messages on Twitter's platform that Alzabarah and Abouammo
 19 wrongfully accessed and furnished to KSA while Alzabarah was employed at Twitter. At least
 20 three of the Twitter users with whom Plaintiff had exchanged Direct Messages in 2015 were
 21 highly prominent Saudi dissidents living outside of Saudi Arabia. At least three others, inside
 22 Saudi Arabia, were imprisoned after Plaintiff's text messages with them were stolen.

Formatted: Highlight

Formatted: Highlight

Formatted: Right: 0.26", No bullets or numbering, Widow/Orphan control

23 115. Twitter was so tolerant of Saudi misconduct that it did not even begin canceling
 24 the fake Twitter accounts of Saudi bots until 2019, thus continuing in its pattern of avoiding
 25 taking any action that would protect users but upset KSA until it could not delay any further.

Formatted: Line spacing: single

Formatted: Page Number, Font: 9 pt

Formatted: Left, Position: Horizontal: Center, Relative to: Margin, Vertical: 0.28", Relative to: Paragraph, Wrap Around

26 Twitter's December 11, 2015 Notification Went to Only Some of the Victims. Plaintiff
 27 and Another Leading Saudi Dissident Were Strangely Excluded

Formatted: Line spacing: single

Formatted: Page Number, Font: 9 pt

Formatted: Left, Position: Horizontal: Center, Relative to: Margin, Vertical: 0.28", Relative to: Paragraph, Wrap Around

+ 116. On December 11, 2015, Twitter sent out a “safety” notice to the owners of ~~a few~~
 2 ~~dozensome~~
 3 ~~of the accounts Alzabarrah had accessed including security and privacy researchers,~~
 4 ~~surveillance specialists, policy academics and journalists whose data had been ransacked.~~ The
 5 notice ~~did not explain why Twitter had delayed at least nine days in notifying them.~~

Formatted: Highlight
 Formatted: Highlight
 Formatted: Highlight
 Formatted: Highlight
 Formatted: Highlight
 Formatted: Highlight

6 117. In addition to claiming it sent an email notice which at least Plaintiff and
 7 Mujtahid had never received, Twitter also claims that it sent an “in app” notice, complete with
 8 an “Acknowledge” button for recipients to click. Tellingly, although Twitter has furnished the
 9 Court with what it purports to be a list of recipients of the email notice, it has never furnished
 10 anything to suggest that Plaintiff either received this “in app” notice or had acknowledged it.
 11 Although Twitter claims to have sent this material, Plaintiff has not been allowed to conduct
 12 discovery to test Twitter’s claim. It is important to note that according to at least one article
 13 published on August 18, 2020, only a few dozen individuals received the December 11, 2015
 14 notice. According to the Guardian, Twitter sent the December 11, 2015 notice to more than 20
 15 users. The December 11, 2015 notice also claims that there were only a small number of
 16 accounts that “may have” been targeted.

17
 18
 19

The December 2015 Notice Was False and Misleading

20 118. The notice Twitter claims to have sent Plaintiff included the following: “As a
 21 ~~precaution, we are alerting you that your Twitter account is one of a small group of~~
 22 ~~accounts that may have been targeted by state-sponsored actors”.~~ Neither Plaintiff nor
 23 Mujtahid ever received this safety notice. Plaintiff is informed and believes, upon information
 24 and ~~thereon belief~~, alleges that Twitter never sent Plaintiff or Mujtahid this safety notice. Nor
 25 did Twitter ever inform Plaintiff that the individual who targeted the accounts were working
 26 for KSA, or that KSA ~~had recruited was so intent upon getting the data that it had gone to the~~
 27
 28

Formatted: Highlight
 Formatted: Highlight
 Formatted: Right: 0.33", No bullets or numbering, Widow/Orphan control
 Formatted: Highlight
 Formatted: Highlight
 Formatted: Highlight
 Formatted: Line spacing: single
 Formatted: Page Number, Font: 9 pt
 Formatted: Left, Position: Horizontal: Center, Relative to: Margin, Vertical: 0.28", Relative to: Paragraph, Wrap Around

1 trouble of recruiting Twitter employees to spy on him. Nor did Twitter say that it was an
 2 inside job or what that the victims had in common (critics of KSA). Twitter further tried to
 3 water down the notice by saying the recipients “may have” been targeted when in fact, Twitter
 4 had no reason to doubt that the raid of the information had actually happened. Further, Twitter
 5 never updated the recipients of the notice. Twitter also lied in the notice when it said “At this
 6 time, we have no evidence they obtained your account information, but we’re actively
 7 investigating this matter. We wish we have more we could share, but we don’t have any
 8 additional information we can provide at this time.” In fact, Twitter did have additional
 9 information beyond what was contained in the notice (e.g. that it was KSA behind the attacks,
 10 that it was an inside job, the victims had commonalities in that they were critics of KSA). On
 11 information and belief, Twitter deliberately chose not to share this information with the
 12 recipients because Twitter knew that if it did so, it would become public, would upset KSA
 13 and hurt Twitter’s bottom line. Twitter chose money over the safety of its users and complying
 14 with notice requirements in the event of a breach Twitter employees to spy on him.

15 Instead, on February 17, 2016 Twitter sent Plaintiff a message indicating, among
 16 other things, that Twitter “recently learned about and immediately fixed a bug that affected our
 17 password recovery systems for about 24 hours last week. The bug had the potential to expose
 18 the email address and phone number associated with a small number of accounts. In our
 19 investigation, we discovered that the email address and phone number linked to your account
 20 was viewed by another account and we wanted to alert you as soon as possible.” A true and
 21 accurate copy of Twitter’s message to Plaintiff is attached as Exhibit B. This message did not
 22 warn Plaintiff that his account had been hacked by agents of KSA despite Twitter having
 23 reason to believe that this had happened to Plaintiff’s Twitter account. The message also did
 24 not warn Plaintiff that KSA had recruited Twitter employees to spy on him.

Formatted: Font: Bold, Underline
Formatted: Highlight
Formatted: Font: Bold, Highlight

+ **-Twitter's Notification Process Violated the UCL and Twitter's Ongoing**

2 **Disinterest in Security Makes This Certain to Recur**

3 119. If Twitter had told Plaintiff the truth he would have taken additional
 4 90. precautions including, but not limited to, being. He could have gotten a new phone and
 5 new phone number. Or he would have become much more careful about clicking on
 6 hyperlinks embedded in text messages unless he personally knew the sender and was confident
 7 that the text message came from the sender. Plaintiff thus would not have clicked on the link
 8 on the text message that falsely purported to be from the package delivery service (which is
 9 what allowed KSA to hack Plaintiff's phone using Pegasus malware),

Formatted: Highlight

Formatted: Highlight

Formatted: Right: 0.32", No bullets or numbering, Widow/Orphan control

Formatted: Highlight

10 120. –Twitter's disdain and/or apathy for the security of its user's information
 11 continues to this very day. In December 2015 Twitter claimed to the FBI that it had "enhanced
 12 its controls and permissions to restrict access to user information only to those whose duties
 13 require access." Yet in the wake of the recent hacking of 130 Twitter accounts including those
 14 of Barack Obama, Joe Biden, Elon Musk, Jeff Bezos, Michael Bloomberg, and Bill Gates, it
 15 has been revealed that over one thousand Twitter employees and off-site contractors had
 16 routine access to private user information. Pursuant to the established industry standards, this
 17 constitutes too many people with access.

Formatted: Font: Not Bold, No underline, Highlight

18 121. According to former security employees, Twitter management has often
 19 dragged its heels on upgrades to information security controls, while prioritizing consumer
 20 products and features, a source of tension for many businesses.

21 122. Efforts to control Twitter's user-support staff and contractors have also gotten
 22 short shrift, according to the former security employees who said that the security of users'
 23 private data was not a major concern for Twitter executives. A former FBI cyber and
 24 cryptocurrency investigator, Patrick Westerhaus has warned that tech companies' "hyper-focus
 25 on growth and revenue" eclipses concerns for security. On information and belief, this
 26 includes Twitter.

27 123. In doing the things herein alleged Twitter consciously disregarded the rights of

Formatted: Highlight

Formatted: Line spacing: single

Formatted: Page Number, Font: 9 pt

Formatted: Left, Position: Horizontal: Center, Relative to: Margin, Vertical: 0.28", Relative to: Paragraph, Wrap Around

+ 91. Plaintiff and of hundreds, if not thousands of other dissidents. Twitter knows dissidents
 2 have depended upon it to host their sensitive communications

Plaintiff's Claims Against Twitter are Timely

4 124. Plaintiff did not receive even the weak and unhelpful December 11, 2015
 5 notification in any way. He did receive the February 17, 2016 notification that his data may
 6 have been viewed "by another user", however this notice had nothing to do with the KSA
 7 inside job. Neither notice even hinted that the Saudi government had stolen his data by way of
 8 an inside job at Twitter. He first learned of this on October 20, 2018 when this data theft was
 9 revealed in the New York Times. Until that day he did not know, and could not, in the
 10 exercise of reasonable diligence, be expected to know that the Saudi government had recruited
 11 and bought off two Twitter employees, who had been specifically instructed to get his private
 12 user data. Nor did he know, and could not have been expected to know that the Twitter
 13 employees had accessed his data because the company had let them use software they could
 14 use for this purpose even though, in the words of the Department of Justice, "Neither
 15 Abouammo's nor Alzabarah's job duties included a need to access a Twitter user's private
 16 information."

McKinsey's Motive for Its Extreme and Outrageous Conduct

48 125. McKinsey has played a critical role in MBS's drive to consolidate power in
 49 KSA. McKinsey has earned many millions of dollars in projects in Saudi Arabia. Between
 50 2010 and 2016, McKinsey's project portfolio in Saudi Arabia has grown exponentially.
 51 McKinsey has directly advised government agencies in KSA to the point that KSA's Ministry
 52 of Planning has acquired the nickname "Ministry of McKinsey" by some Saudis, including
 53 KSA's royal court. In 2017, McKinsey purchased a politically connected Saudi consultancy,
 54 which added 140 more employees to McKinsey's already 300 employees in the region.

55 126. McKinsey has maintained an office in Riyadh, the capital and main financial hub
 56 of Saudi Arabia. The company's website boasts that its "Saudi Arabia Practice helps Saudi
 57 leaders."

Formatted: Highlight

Formatted: Right: 0.32", No bullets or numbering, Widow/Orphan control

Formatted: Font: Not Bold, No underline, Highlight

Formatted: Highlight

Formatted: Normal, Right: 0.26", No bullets or numbering, Tab stops: Not at 0.81"

Formatted: Highlight

Formatted: Right: 0.26", No bullets or numbering, Widow/Orphan control, Tab stops: Not at 0.81"

Formatted: Highlight

Formatted: Line spacing: single

Formatted: Page Number, Font: 9 pt

Formatted: Left, Position: Horizontal: Center, Relative to: Margin, Vertical: 0.28", Relative to: Paragraph, Wrap Around

+ 127. The Brookings Institute attributes “the Kingdom’s new economic direction” and
 2 a major government cabinet reshuffling of high-ranking government ministers to McKinsey.
 3 MBS himself has admitted that “McKinsey participates with us in many studies.” McKinsey
 4 prepared a December 2015 report entitled “Moving Saudi Arabia’s Economy Beyond Oil.”
 5 That December 2015⁴ report outlines an ambitious blueprint for KSA’s economic
 6 transformation and diversification away from oil. In what the Brookings Institute refers to as a
 7 “glaring omission,” the December 2015 report fails to sufficiently explain how KSA “will be
 8 able to change the mindset of everyday Saudi Arabia citizens, who have long been accustomed
 9 to state largesse that included fuel subsidies, loans, free land, and public sector jobs.” The
 10 Brookings Institute goes on to insist that this is a “key issue” and questions how everyday
 11 citizens in Saudi Arabia will react to the reforms, referencing public discontent to a number of
 12 higher utility prices, which led to King Salman firing the water minister to appease the public.

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

+ 128. Key to this very expensive overhaul is a plan that has been sold to the Saudis
 14 called “Vision 2030” which is purportedly based upon a major restructuring of the Saudi
 15 economy, drastic austerity measures that will cut government benefits, and the imposition and
 16 escalation of user fees for government services which have previously been free. MBS’ Vision
 17 2030 resulted in many people losing their jobs, negatively affected and lost faith in the country
 18 because of that vision/program. Despite his autocratic powers, public dissatisfaction with MBS’
 19 austerity measures has been strong.

+ 129. Although McKinsey has tapped the richest vein of Saudi consulting contracts, it
 21 still exists in a competitive environment with other consultants vying for the Royal Court’s
 22 favor. Western journalists have observed MBS putting on the consulting version of gladiatorial
 23 contests, with consultants from competing firms criticizing competing proposals in front of their
 24 “foes”. In this environment McKinsey is powerfully motivated to remain the KSA favorite.

26
 27 ⁴ The Brookings Institute argues that the December 2015 report inspired MBS’s report entitled
 28 “Saudi Arabia’s Vision 2030”.

Formatted: Font: 12 pt

Formatted: Line spacing: single

Formatted: Page Number, Font: 9 pt

Formatted: Left, Position: Horizontal: Center, Relative to: Margin, Vertical: 0.28", Relative to: Paragraph, Wrap Around

¹ McKinsey is so intent upon maintaining its relationship that when MBS had one of McKinsey's
² own senior partners arrested and beaten in a political purge, McKinsey dared not intervene -- or
³ even complain.⁵

⁵ **It Was Foreseeable That Vocal Opponents of MBS's Plan Would be in**
⁶ **Mortal Danger, Yet McKinsey Recklessly Disregarded This Risk for Money.**

⁷ 130. In or about December 2016, McKinsey prepared a report which identified the
⁸ three most influential social media critics of MBS' austerity plan (one of the three was
⁹ Plaintiff). The report analyzed Twitter data from September and October 2016, and was
¹⁰ finalized in December 2016.

¹¹ 131. Before the report was drafted it was foreseeable that such information would be
¹² used to target dissidents at least in part because KSA's abysmal human rights record and utter
¹³ contempt for democratic values, political criticism and freedom of expression was well-known,
¹⁴ including to those living and working outside of Saudi Arabia.

¹⁵ 132. On or about June 29, 2015, Saud Al-Qahtani, then a Minister to the Royal
¹⁶ Court, emailed The Hacking Company or Hacking Team to ask about its service. Shortly after
¹⁷ that, Khashoggi and other Saudi dissidents were subjected to massive Twitter attacks.

¹⁸ 133. KSA was infamous for suppressing critical political speech and sentencing
¹⁹ numerous writers and dissidents to death or long prison terms. Since at least December of
²⁰ 2015, it was common knowledge in circles knowledgeable about KSA affairs that very notable
²¹ nonviolent dissidents were being kidnapped from foreign countries and forcibly taken to Saudi
²² Arabia where, after being seized by government forces, they were never heard from again.

²³ 134. The 2016 Human Rights Report from the U.S. State Department reported that
²⁴ judges were implicitly instructed to issue harsh sentences against human rights activists,
²⁵ reformers, journalists, and dissidents not engaged in violent activities."

²⁸ ⁵ The unfortunate partner is Hani Khoja.

← **Formatted:** Highlight
Formatted: Right: 0.32", No bullets or numbering,
Widow/Orphan control

→ **Formatted:** Line spacing: single
Formatted: Page Number, Font: 9 pt
Formatted: Left, Position: Horizontal: Center, Relative to:
Margin, Vertical: 0.28", Relative to: Paragraph, Wrap Around

+ 135. In January of 2016 Amnesty International reported that the sister of jailed
 2 blogger Raif Badawi was imprisoned in yet a further attempt to intimidate activists.
 3 136. Despite (or in furtherance of) this drumbeat of brutality and intimidation, in
 4 December 2016, McKinsey prepared a report that identified three of the most influential
 5 individuals on Twitter with respect to criticism of KSA's policies. Plaintiff was one of these
 6 individuals. On information and belief, McKinsey subsequently gave or displayed the report to
 7 agents of MBS and/or to MBS himself. On information and belief, MISK officials were present
 8 during the presentation of the McKinsey PowerPoint to MBS.

Formatted: Highlight

Formatted: Highlight

Formatted: Right: 0.32", No bullets or numbering, Widow/Orphan control

Formatted: Highlight

9 Despite Full Knowledge of These Risks, McKinsey Prepared a Report Which Analyzed
 10 and Identified the Most Influential Opponents of MBS' Vital Policies

11 137. McKinsey's PowerPoint report, identified Plaintiff as one of the three loudest
 12 voices of discontent against KSA's policies sought to "gauge citizen sentiment on recent
 13 austerity measures announced in KSA" by closely analyzing "data from twitter feed."

Formatted: Highlight

14 138. In other words, McKinsey's PowerPoint presentation filled a crucial blank space
 15 in how KSA would be able to pursue controversial economic reforms by identifying those who
 16 were spreading the most criticism of such reforms and eliminating them.

Formatted: Highlight

17 139. Although the right-hand margin of each page carefully noted the date and time
 18 the report was last modified, and that the report had been printed, McKinsey took no steps to
 19 warn that the report was "private", or "confidential", or "for internal use only". Plaintiff is
 20 informed and believes and thereon alleges that where McKinsey wishes to keep a report
 21 private, confidential and/or for internal use only, it would place a note on the report saying so.

22 140. McKinsey provided the report/the information therein not only to MBS but to

23

24

25

26

27

28

Formatted: Line spacing: single

Formatted: Page Number, Font: 9 pt

Formatted: Left, Position: Horizontal: Center, Relative to: Margin, Vertical: 0.28", Relative to: Paragraph, Wrap Around

¹ other Saudi institutions to get contracts with official Saudi institutions.⁶ McKinsey's goal was
² to warn KSA about the danger dissidents posed to MBS' Vision 2030 plan. To further this
³ goal the report was disseminated to many of the KSA government ministries.

⁴ 141. Every single critic exposed in the McKinsey report has been imprisoned except
⁵ for Plaintiff. He has been safe only because he is in Canada. This is why MBS has imprisoned
⁶ and tortured family, friends, and associates. MBS is well known for employing a technique
⁷ known as "torture by proxy" whereby MBS targets Saudi-residing friends and family members
⁸ of a dissident or political opponent who lives outside of Saudi Arabia.

⁹ 142. Up until the time of the publication of the McKinsey PowerPoint, there were
¹⁰ Saudi dissidents active on Twitter that were harsher in their criticisms against MBS' austerity
¹¹ programs than Plaintiff. However, those dissidents did not appear in McKinsey's report and
¹² were not persecuted after McKinsey gave or displayed the PowerPoint to agents of MBS and/or
¹³ MBS himself. Therefore, it is probable that the increased persecution of Plaintiff is due to the
¹⁴ attention given to him by McKinsey.

¹⁵ 143. In addition to Plaintiff, the report identified two other influential persons, a Mr.
¹⁶ Khaled Al-Alkami and an individual named "Ahmad.". Just after McKinsey distributed the
¹⁷ report, Alkami was imprisoned and "Ahmad" "disappeared."

¹⁸ 144. One person mentioned in the report (and not even one of the other two
¹⁹ "influentials" highlighted alongside Plaintiff is a man named Isaa Hamed Anoukheify.
²⁰ Although the report mentioned only one negative tweet Anoukheify made, he was arrested on
²¹ March 24, 2017 some two to three months after the report's release. A true and accurate copy
²² of what Plaintiff believes is the McKinsey's report is attached as Exhibit A.

The Predictable Consequences of Defendants' Misconduct

²⁴ 145. Up to the time Plaintiff applied for asylum in Canada in 2013, KSA had

²⁶ ⁶ Although Twitter has disingenuously claimed that the New York Times "corrected" its
²⁷ reporting that this document was given to high level KSA officials, correction of Twitter's
²⁸ misleading account is beyond the scope of this Complaint and will be reserved for subsequent
pleadings.

Formatted: Highlight

Formatted: Normal, Right: 0.32", Widow/Orphan control

Formatted: Line spacing: single

Formatted: Page Number, Font: 9 pt

Formatted: Left, Position: Horizontal: Center, Relative to: Margin, Vertical: 0.28", Relative to: Paragraph, Wrap Around

+ stopped paying his salary and cancelled his scholarship. He was afraid that if he returned to
 2 Saudi Arabia, he would be persecuted (e.g. imprisoned, tortured or killed). However, his family
 3 remained unharmed and free from harassment, arrest, imprisonment, and persecution from
 4 KSA. Upon applying for asylum in Canada in 2013, Plaintiff was not concerned that KSA
 5 would persecute his family and friends in Saudi Arabia or send a hit team to murder Plaintiff in
 6 Canada.

7 92. 146. After defendants' misconduct KSA's persecution of Plaintiff intensified.⁻¹⁰
 8 an

9 -unprecedented level.

10 147. After Alzabarah improperly spied on Plaintiff's confidential Twitter data, and
 11 shortly he fled

12 93. the United States on December 3, 2015. Within a month after Alzabarah fled the United
 13 States, KSA interrogated Plaintiff's father and brother in Saudi Arabia, and cancelled
 14 the Plaintiff's brother's financial assistance, and imprisoned many of Plaintiff's friends in Saudi
 15 Arabia. KSA also. KSA then and summoned three of Plaintiff's friends and roommates in
 16 Canada to the Saudi Cultural Bureau for interrogation. One of them, who returned to Saudi
 17 Arabia, has been imprisoned between March 2016 and July 2016. KSA had never targeted or
 18 pressured Plaintiff in this way before December 2015. Apart from Twitter allowing KSA spies
 19 to access Plaintiff's private user data and furnish it to KSA, nothing out of the ordinary had
 20 happened in 2014 or 2015 to have triggered this escalation of persecution beginning in

21 December 2015. Before December 2015, the most KSA had done to Plaintiff was cancel his
 22 salary and his scholarship. By the time Plaintiff applied for asylum in Canada in 2013, KSA had
 23 stopped paying his salary and cancelled his scholarship. Although he was afraid that if he
 24 returned to Saudi Arabia, he would be persecuted (e.g. imprisoned, tortured or killed), Plaintiff
 25 felt entirely safe in Canada. Further, his family remained unharmed and free from harassment,
 26 arrest, imprisonment, and persecution from KSA. Upon applying for asylum in Canada in 2013,

Formatted: List Paragraph, Right: 0", Numbered + Level: 1
 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left
 + Aligned at: 0.5" + Indent at: 0.75", Widow/Orphan control, Tab stops: 0.88", Left

Formatted: Right: 0.2", No bullets or numbering, Widow/Orphan control

FIRSTSECOND AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL
 Case No. 3:19 CV-06694-LB

Formatted: Line spacing: single

Formatted: Page Number, Font: 9 pt

Formatted: Left, Position: Horizontal: Center, Relative to: Margin, Vertical: 0.28", Relative to: Paragraph, Wrap Around

¹ Plaintiff was not concerned that KSA would persecute his family and friends in Saudi Arabia or
² send a hit team to murder Plaintiff in Canada.

³ 148. Before McKinsey published the PowerPoint report, Plaintiff was one of many
⁴ dissidents who protested the corruption and human rights violations of KSA. After the
⁵ publication of McKinsey's report, Plaintiff became one of three. By publishing this report and
⁶ furnishing it to MBS, McKinsey effectively put a target on Plaintiff's back. The McKinsey
⁷ PowerPoint made Plaintiff a much more prominent target for KSA and thereby increased
⁸ Plaintiff's risk of persecution.

⁹ 149. The McKinsey Report identified three "major influencers", Plaintiff, Khalid
¹⁰ AlAlkami, and "Ahmad". After the report's distribution to MBS and/or his associates,
¹¹ AlAlkami was imprisoned, Plaintiff was hacked and he, his family, friends, associates, were
¹² harassed, and "Ahmad" has disappeared – or has been disappeared. Another dissenter whose
¹³ tweet was merely quoted as an example of "highly negative sentiment", Aesa al Nukhifi, was
¹⁴ imprisoned on March 24, 2017.

← **Formatted:** Right: 0.32", No bullets or numbering, Widow/Orphan control

¹⁵

¹⁶

¹⁷ 150. KSA received an enormous amount of stolen private user data from its loyal
¹⁸ Twitter employees. Plaintiff is informed and believes and thereon alleges that it would have taken
¹⁹ many months if not years for KSA intelligence members to review and analyze the data to
²⁰ determine who they would target.

²¹ 151. KSA kept the data until they were able to target Plaintiff directly (when Pegasus
²² became available and operational to them as described below).

²³ 152. Plaintiff is informed and believes and thereon alleges that although Abouammo
²⁴ Alzabarrah invaded thousands of Twitter accounts of Saudi dissidents, KSA elected to use
²⁵ Pegasus malware to target only a relative few, including Plaintiff. Plaintiff is unaware of other
²⁶ Twitter users who KSA targeted with Pegasus malware. Plaintiff is informed and believes and
²⁷ thereon alleges that KSA targeted Plaintiff with Pegasus malware because of what KSA learned

← **Formatted:** Line spacing: single

← **Formatted:** Page Number, Font: 9 pt

← **Formatted:** Left, Position: Horizontal: Center, Relative to: Margin, Vertical: 0.28", Relative to: Paragraph, Wrap Around

from accessing Plaintiff's Direct Messages on Twitter's platform that Alzabarah and Abouammo wrongfully accessed and furnished to KSA while Alzabarah was employed at Twitter. At least three of the Twitter users with whom Plaintiff had exchanged Direct Messages in 2015 were highly prominent Saudi dissidents living outside of Saudi Arabia. At least three others, inside Saudi Arabia, were imprisoned after Plaintiff's text messages with them were stolen.

153. Fearing for his safety, Plaintiff withdrew from his studies and fled his residence, living in hotels for four months to avoid being kidnaped or harmed.

154. It was not until the publication of the October 20, 2018 New York Times article that Plaintiff learned that a suspected KSA agent had used the computer access Twitter had granted him to hack into Plaintiff's confidential information at Twitter.

155. Before McKinsey published its report, in December of 2016 or January of 2017, Plaintiff was one of many dissidents who protested the corruption and human rights violations of KSA, and was but one target among many. After the publication of McKinsey's report, Plaintiff became one of the three most influential critics on social media. By publishing this report and furnishing it to MBS, McKinsey effectively put a target on Plaintiff's back.

156. Although Plaintiff's criticisms had already garnered attention from MBS and his allies it is highly probable that the combined effects of the disclosure of his private user information from Twitter and the spotlight shown upon him by the McKinsey report. In addition to Plaintiff, the report identified two other influential persons, a Mr. Khaled Al-Alkami and an individual named "Ahmad.". In December 2016 or January 2017, just a year after McKinsey distributed the report, Alkami was imprisoned and "Ahmad" "disappeared." (One person mentioned in the report (and not even one of the other two "influentials" highlighted alongside Plaintiff is a man named Isaa Hamed Anoukheify. Although the report mentioned only one negative tweet Anoukheify made, he was arrested on March 24, 2017 some two to three months after the report's release).

157. In June of 2017, Loujain al-Hathloul, a feminist activist in Saudi Arabia, offered

Formatted: Line spacing: single

Formatted: Page Number, Font: 9 pt

Formatted: Left, Position: Horizontal: Center, Relative to: Margin, Vertical: 0.28", Relative to: Paragraph, Wrap Around

⁴ Plaintiff financial support and aid in getting a position with Amnesty International. In April of
² 94. 2018 she was imprisoned and charged for her contacts with Plaintiff.

³ 95. ~~On October 20, 2018, the New York Times reported that according to a Saudi~~
⁴ ~~human rights group, after the McKinsey report was issued, Mr. Alkami was arrested.~~

⁵ 158. ~~It was not until the publication of the October 20, 2018 New York Times article~~
⁶ ~~that After defendants' misconduct, KSA's persecution of Plaintiff learned that a~~
⁷ ~~suspected KSA intensified to an~~

⁸ unprecedented level. Between April and June 2017, ~~an agent of MBS approached Plaintiff and~~
⁹ ~~said he had used the computer access Twitter met with MBS. The agent attempted to convince~~
¹⁰ Plaintiff to return to Saudi Arabia. This was during the same time period that ~~MBS had granted~~
¹¹ ~~to lure Dr. Saad Aljabri, back to Saudi Arabia to imprison, torture and/or murder him to hack into~~
¹² Dr. Aljabri, a former high-ranking Saudi official, had become a prominent opponent of MBS.

¹³ 159. From January 2018 to July 2018, Plaintiff had greatly restricted his social media
¹⁴ presence, so the increased persecution inflicted upon him was more likely the result of
¹⁵ KSA's analysis of Plaintiff's confidential information at Twitter, private Twitter data and the
¹⁶ heightened scrutiny of Plaintiff resulting from McKinsey targeting him in its PowerPoint
¹⁷ presentation.

¹⁸ 160. In mid-May 2018, two ~~individuals working for KSA~~
¹⁹ ~~KSA agents contacted Plaintiff and asked to meet with him.~~

²⁰ 97. Throughout a series of meetings with Plaintiff, ~~these two individuals they~~ identified
²¹ themselves as agents of MBS. ~~According to a number of different reports, MBS was the one who~~
²² ~~gave the order to murder and said Mr. Khashoggi. The two agents also indicated that~~ they were
²³ operating on orders from Saud Al-Qahtani, who was then a senior strategic advisor to MBS. ~~Al-~~
²⁴ ~~Qahtani was dismissed after the murder of The Central Intelligence Agency has concluded that MBS~~
²⁵ ~~ordered Mr. Khashoggi's murder, and Al-Qahtani was the strategist who organized it Mr.~~
²⁶ ~~Khashoggi, because his name was entangled with the murder.~~

← **Formatted:** Right: 0", No bullets or numbering,
Widow/Orphan control

← **Formatted:** Right: 0", No bullets or numbering,
Widow/Orphan control

← **Formatted:** Right: 0", No bullets or numbering,
Widow/Orphan control

Formatted: Line spacing: single

Formatted: Page Number, Font: 9 pt

Formatted: Left, Position: Horizontal: Center, Relative to:
Margin, Vertical: 0.28", Relative to: Paragraph, Wrap Around

+ 161. –The two agents ~~indicated to told~~ Plaintiff that MBS was not happy with Plaintiff's
 2 political

3 98. activities and criticisms against KSA in general and MBS in particular. The ~~two~~ agents
 4 demanded ~~(a)~~ that Plaintiff stop ~~his criticism of criticizing~~ KSA and MBS; ~~(b) and~~ that
 5 Plaintiff ~~he~~ return to Saudi Arabia ~~and return to his family and friends or return and go to~~
 6 prison. ~~Just as had been done with Khashoggi, the agents promised Plaintiff a bright future in~~
 7 Saudi Arabia. Plaintiff refused ~~both~~ demands. ~~When that failed the agents tried to persuade~~
 8 Plaintiff to come to the Saudi embassy in Ottawa with them. Plaintiff again refused. It should
 9 be noted that just a few months later, Mr. Khashoggi was lured to Saudi Consulate in Istanbul
 10 where assassins working for MBS murdered him.

11 162. ~~During the meetings, the two agents demanded that Plaintiff accompany them to~~
 12 ~~the Saudi embassy in Ottawa to continue the discussions. Plaintiff did not agree to~~
 13 ~~the agents' demand that he go to the Saudi embassy in Ottawa. Plaintiff insisted that~~
 14 ~~the meetings be held in a public place. During the meetings, KSA agents arranged~~
 15 ~~for Plaintiff's younger brother to be present as a message that they can reach and~~
 16 ~~harm Plaintiff's family. It should be noted that assassins working for KSA~~
 17 ~~murdered. By the time Plaintiff refused to return to Saudi Arabia, KSA had~~
 18 ~~significantly~~

19 increased its spyware capabilities. On information and belief, in 2017, KSA purchased or
 20 licensed the Pegasus spyware system from the Israeli cyber-spy company, NSO, for
 21 \$55,000,000. This sum included NSO's technical support and training so that the Saudis would
 22 be able to use the Pegasus spyware.

23 163. On information and belief KSA was not able to deploy the Pegasus spyware until
 24 99. ~~the Spring of 2018 at the earliest. Mr. Khashoggi in a Saudi Consulate in Istanbul~~
 25 just a few months later.

26 100. After the meetings with the two agents, Plaintiff continued his political activities
 27 and his friendship with ~~Mr. Khashoggi~~ grew closer. In June and July 2018, plaintiff worked

← **Formatted:** Right: 0.26", No bullets or numbering, Widow/Orphan control

← **Formatted:** Line spacing: single

← **Formatted:** Page Number, Font: 9 pt

← **Formatted:** Left, Position: Horizontal: Center, Relative to: Margin, Vertical: 0.28", Relative to: Paragraph, Wrap Around

1 with Mr. Khashoggi on the “electronic bees” project, which was intended to organize the large
 2 number of Saudi opposition activists to use Twitter in order to deal with what is called as
 3 “electronic flies”⁷. Indeed, Mr. Khashoggi transferred \$5,000 to Plaintiff to support the
 4 “electronic bees” project.

5 101. With Abouammo and Alzabarah both out of Twitter, Plaintiff is informed and
 6 believes and based thereon alleges that KSA no longer had access to Plaintiff’s direct
 7 messages, requiring KSA to devise another way to surveil Plaintiff’s private communications.
 8 On or about June 23, 2018, agents acting on behalf of KSA using Pegasus software developed
 9 by N.S.O Technologies Ltd. and Q Cyber Technologies Ltd., remotely planted malware on
 10 Plaintiff’s phone. Thereafter, KSA’s attempts to silence Plaintiff by persecuting Plaintiff’s
 11 family, friends and associates in Saudi Arabia intensified dramatically.

12 102. The malware was planted on Plaintiff’s phone by means of a “phishing” direct
 13 message which was disguised as being from the shipping company, DHL. The message
 14 included a hyperlink which offered Plaintiff the opportunity to “Manage delivery”. When
 15 Plaintiff clicked on the hyperlink (expecting a package) it downloaded the Pegasus malware to
 16 his phone.

17 103. KSA had previously contracted with NSO for the right to use this malware.
 18 Once the malware became operational to KSA, they
 19 acted. On June 23, 2018, Plaintiff’s phone was infected by the Pegasus malware when he
 20 clicked on a link in a text message he had received. This was during the same period that
 21 Pegasus malware targeted and infected the smart phones of Dr. Saad Ajabri, and Ghanem Al-
 22 Masarir, another prominent Saudi dissident who was safely in the United Kingdom. Plaintiff
 23 was among the first Saudi dissidents KSA attacked with the Pegasus malware.

24 164. Once the malware was downloaded to Plaintiff’s phone it installed itself on
 25
 26

27 ⁷“Electronic flies” is a group of Twitter activists who take their orders from the Saudi authorities
 28 and whose objectives are (1) to attack opposition activities; (2) to smear opponents; (3) to praise
 decisions and actions of MBS.

Formatted: Font color: Black

Formatted: Font color: Black

Formatted: Line spacing: single

Formatted: Page Number, Font: 9 pt

Formatted: Left, Position: Horizontal: Center, Relative to: Margin, Vertical: 0.28", Relative to: Paragraph, Wrap Around

104. Plaintiff's smartphone it exfiltrated all of Plaintiff's SMS chats, emails, photographs, location data, and other information to KSA.

Formatted: Font color: Black

105. - The Pegasus malware also enabled KSA to spy on Plaintiff in "real time", through control of his phone's camera and microphone, and through contemporaneous receipt of information Plaintiff typed into his phone or received from others.

Formatted: Font color: Black

Formatted: Font color: Black

Formatted: Normal, Right: 0", No bullets or numbering, Widow/Orphan control

165. Plaintiff is informed The intelligence gathered from Plaintiff's Twitter DMs and believes other private user

Formatted: Font color: Black

106. data, coupled with Pegasus' uploading and thereon alleges that Pegasus software did not become available transfer to KSA until late 2017 of all the data on Plaintiff's phone (which was motivated by the McKinsey PowerPoint Report) enabled Al-Qahtani and that MBS to crush Plaintiff's family and his social network. In just a few short days between July 28, 2018 and August 3, 2018 the Saudi's rounded up and imprisoned both of Plaintiff's brother, and dozens of his friends, political allies, and even then it was not yet fully operational, mere correspondents.

Formatted: Right: 0", No bullets or numbering, Widow/Orphan control

Formatted: Font color: Black

Formatted: Font color: Black

Formatted: Font color: Black

166. - Subsequently at the end of July 2018 and early August 2018, authorities acting on behalf of KSA increased their harassment campaign. KSA security forces raided Plaintiff's family home in Jeddah in the middle of the night using search dogs and conducted humiliating searches of the house. Two of Plaintiff's brothers were arrested and are still in prison without having been charged or receiving a trial. Security personnel acting on behalf of KSA have been torturing Plaintiff's brothers to pressure Plaintiff to stop his activism. According to a report by Amnesty International, such conduct is consistent with KSA security personnel's mistreatment of imprisoned activists.

Formatted: Font color: Black

Formatted: Font color: Black

Formatted: Right: 0.14", No bullets or numbering, Widow/Orphan control

Formatted: Font color: Black

+ 167. During the first few days of his imprisonment, KSA security personnel would take
 2 Plaintiff's younger brother out of his detention cell and ordered him to call Plaintiff to beg
 3 Plaintiff to stop his political activities. They specifically mentioned the "electronic bees" project,
 4 which the Plaintiff worked on with the late Jamal Khashoggi and a small number of trusted close
 5 friends. That these KSA security personnel knew about Plaintiff's work to this level of detail
 6 was shocking to Plaintiff. At that point in time, Plaintiff had been unaware that KSA had been
 7 spying on him using the Pegasus system on his phone.

Formatted: Font color: Black

Formatted: Font color: Black

Formatted: Right: 0.14", No bullets or numbering, Widow/Orphan control

Formatted: Font color: Black

8 168. Plaintiff is informed and believes and thereon alleges that although Alzabarah
 9 invaded thousands of Twitter accounts of Saudi dissidents, KSA elected to use Pegasus malware
 10 to target only a relative few, including Plaintiff. Plaintiff is unaware of other Twitter users who
 11 KSA targeted with Pegasus malware. Plaintiff is informed and believes and thereon alleges that
 12 KSA targeted Plaintiff with Pegasus malware because of what KSA learned from accessing
 13 Plaintiff's Direct Messages on Twitter's platform that Alzabarah and Abouammo wrongfully
 14 accessed and furnished to KSA while Alzabarah was employed at Twitter, and because of the
 15 heightened scrutiny to which he was subjected by the McKinsey report.

16 169. Fearing for his safety, Plaintiff withdrew from his studies and fled his residence,
 17 living in hotels for four months to avoid being kidnaped or harmed.

18 170. Dozens of Plaintiff's friends and associates who live in Saudi Arabia have also
 19 been arrested, tortured, and subjected to inhumane and humiliating treatment even though
 20 most of them are not involved or even interested in politics. KSA security personnel have done
 21 this to pressure Plaintiff to stop his political activities.

Formatted: Right: 0.2", No bullets or numbering, Widow/Orphan control

22 171. In mid-August 2018, Plaintiff was informed by Citizens Lab, which is part of the
 23 University of Toronto, that all of the information on his phone had been compromised by
 24 means of Pegasus malware.

Formatted: Right: 0.2", No bullets or numbering, Widow/Orphan control

25 172. On October 2, 2018, Mr. Khashoggi entered the Saudi Consulate in Istanbul,

26

27

28

Formatted: Line spacing: single

Formatted: Page Number, Font: 9 pt

Formatted: Left, Position: Horizontal: Center, Relative to: Margin, Vertical: 0.28", Relative to: Paragraph, Wrap Around

¹ ~~111.~~ Turkey, where he was murdered by an assassination team sent by KSA (specifically by
² MBS). Mr. Khashoggi, who championed democracy, human rights, and anti-corruption efforts,
³ had been a fierce critic of KSA.

⁴ ~~173.~~ —The collaboration between Plaintiff and Mr. Khashoggi had the potential to build ~~a~~

⁵ ~~112.~~ ~~A~~ broad political movement for democratic reform in Saudi Arabia. Due to hacking
⁶ Plaintiff's phone, KSA was aware of the collaboration between Plaintiff and Mr. Khashoggi.

⁷ ~~174.~~ On or about October 15, 2018, less than two weeks after the extrajudicial murder
⁸ of Mr. Khashoggi, another team of Saudi nationals (known as the "Tiger Squad") traveled across
⁹ the Atlantic Ocean from Saudi Arabia to Canada with the intention of assassinating Dr. Saad
¹⁰ Aljabri and Plaintiff.

¹¹ ~~175.~~ KSA agents continue to improperly pressure Plaintiff to stop his political activities

¹² ~~113.~~ with the help of Twitter, which recently suspended two of Plaintiff's Twitter accounts
¹³ (@say_it_and_walk and @i5beearmy) without good cause.

Formatted: Normal, Right: 0.2", No bullets or numbering

Formatted: Normal, No bullets or numbering

Formatted: Right: 0", No bullets or numbering, Widow/Orphan control

~~1 First Cause of Action Against Twitter, Inc., and Does 1-5 for Violation of the
2 Stored Communications Act, 18 U.S.C. §2701, et. seq.~~ On information and belief,
3 McKinsey is still working with MBS and conducting
4 training at his MISK Foundation.

Formatted: Font: Not Bold, No underline

Formatted: Right: 0", No bullets or numbering, Widow/Orphan control

~~5~~
~~6~~ –First Cause of Action Against Twitter, Inc., and Does 1-5 for Violation of the
~~7~~ Stored Communications Act, 18 U.S.C. §2701, et. seq.

~~8~~ 177. Plaintiff repeats and repleads each allegation in Paragraphs 1-~~113~~176 as though
~~9~~ fully set forth herein.
~~10~~ 178. –In invading and accessing Plaintiff's confidential Twitter information,
~~11~~ 115. Alzabarrah and Abouammo intentionally exceeded their authorization to access that
facility and thereby authorized access to electronic communication while it was in electronic
storage.

~~12~~ 179. –Plaintiff is informed and believes and based thereon alleges that one or more of
~~13~~ 116. Twitter's managing agents ratified this conduct by, *inter alia*, concealing from Plaintiff
the fact that Alzabarrah and Abouammo, while acting as agents for KSA, had wrongly obtained
access to this information.

~~14~~ 180. –Twitter's Chairman, Jack Dorsey, ratified this conduct by holding a cordial,
~~15~~ meeting and posing for publicity photographs with MBS seven months after Dorsey
learned that KSA had recruited at least two of Twitter's employees to steal the private and
confidential information of thousands of Twitter account holders.

~~16~~ 181. –As a direct and legal result of Twitter's violation of 18 U.S.C. §2701, Plaintiff
~~17~~ has suffered loss of property and has incurred out-of-pocket expenses in excess of
\$75,000. Plaintiff had to move out of his apartment, withdraw from his graduate studies, and
actually lived in hotels for four months.

~~18~~ 182. –As a direct and legal result of Twitter's violation of 18 U.S.C. §2701, Plaintiff
~~19~~ has also suffered stress, anxiety, emotional distress, pain and suffering, inconvenience,
mental anguish, loss of enjoyment, and damage to personal and professional reputation.

~~FIRST~~SECOND AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL
Case No. 3:19 CV-06694-LB

Formatted: Normal, Right: 0.32", No bullets or numbering, Widow/Orphan control

Formatted: Normal, Right: 0.32", No bullets or numbering, Widow/Orphan control

Formatted: Normal, Right: 0.32", No bullets or numbering, Widow/Orphan control

Formatted: Normal, Right: 0.32", No bullets or numbering, Widow/Orphan control

Formatted: Normal, Right: 0.32", No bullets or numbering, Widow/Orphan control

Formatted: Normal, Right: 0.32", No bullets or numbering, Widow/Orphan control

Formatted: Line spacing: single

Formatted: Page Number, Font: 9 pt

Formatted: Left, Position: Horizontal: Center, Relative to: Margin, Vertical: 0.28", Relative to: Paragraph, Wrap Around

¹ 183. –Twitter's unlawful actions were intentional, willful, and/or were taken in willful
² 120. disregard of Plaintiff's rights.

³ 184. –In addition to general and economic damages, Plaintiff seeks punitive damages
⁴ 121. in an amount sufficient to punish Twitter and to protect future Twitter users from
⁵ Defendant's wrongful practices described herein.

Second Cause of Action Against Twitter and Does 1-5 for Violation of
California Business & Professions Code §17200, et. seq.

⁸ 185. –Plaintiff repeats and repleads each allegation in Paragraphs 1-121184 as though
⁹ 122. fully set forth herein.

¹⁰ 186. –By doing the acts alleged above herein Twitter has violated the Stored
¹¹ 123. Communications Act, and has engaged in an unlawful business practice that is
¹² prohibited by §17200.

¹³ 187. –By doing the acts alleged above herein Twitter has engaged in a fraudulent or
¹⁴ 124. deceptive business practice that is prohibited by §17200.

¹⁵ 188. –By doing the acts alleged above herein Twitter has engaged in an unfair
¹⁶ 125. business practice that is prohibited by §17200.

¹⁷ 189. –As a direct and legal result of Defendant's violation of §17200 et. seq., Plaintiff
¹⁸ 126. has suffered loss of property and has incurred out-of-pocket expenses in excess of
¹⁹ \$75,000.

²⁰ 190. –As a direct and legal result of Defendant's violation of §17200 et. seq., Plaintiff
²¹ 127. has suffered humiliation, stress, anxiety, emotional distress, pain and suffering,
²² inconvenience, mental anguish, loss of enjoyment, loss of dignity, and damage to personal and
²³ professional reputation.

²⁴ 191. –Plaintiff continues to use the Twitter platform for both public communications
²⁵ 128. and what he hopes are confidential Direct Messages. He therefore remains at risk.
²⁶ Twitter's practices which led to his being harmed by invasion of his private data, and which
²⁷ misled him as to the source, nature, and gravity of the invasion pose a present danger that he

shall be harmed again. If Twitter's practices remain uncorrected, Plaintiff and thousands of others shall be forced to choose between expressing themselves freely or safely.

192. Plaintiff therefore seeks mandatory injunctive relief to protect himself and future Twitter users from similar Twitter misconduct in the future. Specifically, Plaintiff seeks:

a. a. A court appointed independent monitor, to be funded by Twitter, who shall regularly audit Twitter's security operations and ensure that they include an adequate number of skilled and experienced professional investigators sufficient to monitor the conduct of Twitter employees who have access to confidential user data and assess when the conduct of any such employee may represent a risk to account holders. This monitor shall be ordered to report directly to Twitter's Board of Directors and the Court on a quarterly basis;

b. b. Twitter shall develop and implement Monitor-approved policies and practice to ascertain whether Twitter employees are acting on behalf of a foreign government;

c. c. When user accounts are breached or are the subject of an attempted breach Twitter shall timely report to users whether the breach is reasonably believed to have been caused by a State-sponsored effort, and, if so, Twitter shall identify the State suspected to be involved; and

d. d. When a Twitter employee or contractor views a user's IP address, telephone number, email address, activity log, or any information which would identify the recipient of the user's direct messages, persons sending direct messages to the user, or the text of or images attached to any direct message, a user whose information is so viewed shall be notified of the date, nature of, extent, and reason for such viewing and the Monitor shall be informed of the identity of the Twitter employee or contractor;

← **Formatted:** Normal, Right: 0.32", No bullets or numbering, Widow/Orphan control

← **Formatted:** Normal, Indent: Left: 1", Right: 0.32", No bullets or numbering, Widow/Orphan control

← **Formatted:** Normal, Right: 0.32", Widow/Orphan control

← **Formatted:** Normal, Indent: Left: 1", Right: 0.32", No bullets or numbering, Widow/Orphan control

← **Formatted:** Line spacing: single

← **Formatted:** Page Number, Font: 9 pt

← **Formatted:** Left, Position: Horizontal: Center, Relative to: Margin, Vertical: 0.28", Relative to: Paragraph, Wrap Around

¶ e. When user accounts are breached or are the subject of an attempted breach by a person or persons whom Twitter reasonably believes may be or have been a Twitter employee or contractor, Twitter shall timely report to users and to the Monitor that the breach originated internally.

Third Cause of Action Against Twitter and Does 1-5 for Invasion of Privacy

¶ 193. Plaintiff repeats and repleads each allegation in Paragraphs 1-~~129~~192 as though fully set forth herein.

¶ 194. Plaintiff had a legally protected privacy interest in the private direct messages he had sent and received via Twitter.

¶ 195. Plaintiff had a legally protected privacy interest in the personal data he had stored on Twitter that contained information regarding his identity, telephone number, etc.

¶ 196. Plaintiff's expectation that this information would remain confidential was reasonable in that Twitter had promised its users that they would have control over such information.

¶ 197. The invasion of Plaintiff's privacy interest in the confidential information and the direct messages was offensive to Plaintiff and would offend a reasonable person.

¶ 198. Plaintiff is informed and believes and based thereon alleges that one or more of Twitter's managing agents ratified this conduct by, *inter alia*, concealing from Plaintiff the fact that Alzabarah and Abouammo, while acting as agents for Saudi regime, had singled out Plaintiff's account and wrongly obtained access to this information. Dorsey's cordial meeting and public solicitude toward MBS also ratified this misconduct.

¶ 199. As a direct and legal result of Defendant's invasion of Plaintiff's privacy,

← **Formatted:** Normal, Right: 0.32", Widow/Orphan control

← **Formatted:** Normal, Right: 0.32", No bullets or numbering, Widow/Orphan control, Tab stops: 0.88", Left

← **Formatted:** Normal, Right: 0.32", No bullets or numbering, Widow/Orphan control, Tab stops: 0.88", Left

← **Formatted:** Normal, Right: 0.32", No bullets or numbering, Widow/Orphan control, Tab stops: 0.88", Left

← **Formatted:** Normal, Right: 0.32", No bullets or numbering, Widow/Orphan control, Tab stops: 0.88", Left

← **Formatted:** Normal, Right: 0.32", No bullets or numbering, Widow/Orphan control, Tab stops: 0.88", Left

← **Formatted:** Normal, Right: 0.32", No bullets or numbering, Widow/Orphan control, Tab stops: 0.88", Left

← **Formatted:** Line spacing: single

← **Formatted:** Page Number, Font: 9 pt

← **Formatted:** Left, Position: Horizontal: Center, Relative to: Margin, Vertical: 0.28", Relative to: Paragraph, Wrap Around

¹ 136. Plaintiff has suffered stress, anxiety, emotional distress, pain and suffering,
² inconvenience, mental anguish, mental anguish, and loss of dignity.
³ 200. –Twitter's unlawful actions are intentional, willful, and/or are taken in willful
⁴ 137. conscious disregard of Plaintiff's rights.
⁵ 201. –In addition to general and economic damages, Plaintiff seeks punitive damages
⁶ 138. in an amount sufficient to punish Twitter and to protect future Twitter users from
⁷ Defendant's wrongful practices described herein.

⁸

⁹ **Fourth Cause of Action Against McKinsey & Co. and Does 6-10 for**
¹⁰ **Intentional Infliction of Emotional Distress**

¹¹ 202. –Plaintiff repeats and repleads each allegation in Paragraphs 1-138201 as though
¹² 139. fully set forth herein.

¹³

¹⁴ 203. –McKinsey could not help but know of the vicious and brutal methods KSA has
¹⁵ used to suppress dissent, including attacks not only on dissenters, but on their
¹⁶ close family members and associates.

¹⁷ 204. –Despite knowing these dangers, McKinsey intentionally, knowingly, or
¹⁸ recklessly named Plaintiff as one of the three most effective critics of KSA
¹⁹ policies in the report that McKinsey prepared and furnished to MBS and/or his agents.

²⁰ 205. –McKinsey's conduct in subjecting Plaintiff and his family to these dangers was
²¹ 142. outrageous.

²² 206. –As a direct and legal cause of consequence of McKinsey's conduct Plaintiff has
²³ suffered severe emotional distress. Plaintiff suffers and continues to suffer
²⁴ humiliation, stress, anxiety, emotional distress, pain and suffering, mental anguish, and loss of
²⁵ enjoyment.

²⁶ 207. –McKinsey's unlawful actions are intentional, willful, and/or are taken in willful
²⁷ 144. disregard of Plaintiff's rights.

Formatted: Normal, Right: 0.32", No bullets or numbering, Widow/Orphan control, Tab stops: 0.88", Left

Formatted: Normal, Right: 0.32", No bullets or numbering, Widow/Orphan control, Tab stops: 0.88", Left

Formatted: Normal, Right: 0.32", No bullets or numbering, Widow/Orphan control, Tab stops: 0.88", Left

Formatted: Normal, Right: 0.32", Widow/Orphan control

Formatted: Right: 0.32", No bullets or numbering, Widow/Orphan control, Tab stops: 0.88", Left

Formatted: Normal, Right: 0.32", No bullets or numbering, Widow/Orphan control, Tab stops: 0.88", Left

Formatted: Normal, Right: 0.32", No bullets or numbering, Widow/Orphan control, Tab stops: 0.88", Left

Formatted: Normal, Right: 0.32", No bullets or numbering, Widow/Orphan control, Tab stops: 0.88", Left

Formatted: Normal, Right: 0.32", No bullets or numbering, Widow/Orphan control, Tab stops: 0.88", Left

Formatted: Normal, Right: 0.32", No bullets or numbering, Widow/Orphan control, Tab stops: 0.88", Left

Formatted: Line spacing: single

Formatted: Page Number, Font: 9 pt

Formatted: Left, Position: Horizontal: Center, Relative to: Margin, Vertical: 0.28", Relative to: Paragraph, Wrap Around

+ 208. –In addition to general and economic damages, Plaintiff seeks punitive damages
 2 145. in an amount sufficient to punish Twitter and to protect future Twitter users from
 3 Defendant's wrongful practices described herein.

4 Fifth Cause of Action Against Twitter and Does 1-5

5 **Fifth Cause of Action Against Twitter and Does 1-5**

6 **for Intentional Misrepresentation**

7 209. –Plaintiff repeats and repleads each allegation in Paragraphs 1-~~145~~208 as though
 8 146. fully set forth herein.

9 147. ~~Twitter, on or about February 17, 2016, represented to Plaintiff that a bug, that
 had been fixed, had affected Twitter's password recovery systems for about 24 hours the week
 prior. This bug, Twitter represented, "had the potential to expose the email address and phone
 number associated with a small number of accounts. In our investigation, we discovered that
 the email address and phone number linked to your account was viewed by another account
 and we wanted to alert you as soon as possible."~~

15 210. –Twitter, informed its users (including Plaintiff) by way of its privacy policy
 16 effective May 18, 2015 that “Our default is almost always to make the information you provide
 17 through the Twitter Services public for as long as you do not delete it, but we generally give
 18 you settings or features, like direct messages, to make the information more private if you
 19 want.”

20 211. Such representations were false and/or misleading. Plaintiff is informed and
 21 believed and thereon alleges that from 2014 through 2015, Twitter lacked the
 22 requisite security systems to keep direct messages private from unauthorized access. The
 23 effect of these representations, even if true, misled Plaintiff into believing that his ~~Twitter~~
 24 account had not been hacked by ~~direct messages on the~~ Twitter employees who had been
 25 recruited by the KSA to gain access to Plaintiff's private Twitter information platform would
 26 remain private as long as he did not share them publicly.

27 212. –Twitter knew that the representations were false and/or misleading when Twitter

← **Formatted:** Normal, Right: 0.32", No bullets or numbering, Widow/Orphan control, Tab stops: 0.88", Left

← **Formatted:** Font: Not Bold, No underline

← **Formatted:** Normal, Right: 0.32", Widow/Orphan control

← **Formatted:** Normal, Right: 0.32", No bullets or numbering, Widow/Orphan control, Tab stops: 0.88", Left

← **Formatted:** Normal, Right: 0.32", No bullets or numbering, Widow/Orphan control, Tab stops: 0.88", Left

← **Formatted:** Line spacing: single

← **Formatted:** Page Number, Font: 9 pt

← **Formatted:** Left, Position: Horizontal: Center, Relative to: Margin, Vertical: 0.28", Relative to: Paragraph, Wrap Around

¹ ~~149.~~ made the representations. Alternatively, Twitter made the representations
² recklessly and without regard for their truth and/or misleading nature.

³ ~~150.~~ Twitter intended that Plaintiff rely on the representations.

⁴ ~~213.~~ -to incentivize Plaintiff

⁵ ~~to use the social media platform because its business model profited from the number of users.~~

⁶ ~~214.~~ Plaintiff reasonably relied on Twitter's representations by not taking the security
⁷ ~~151.~~ precautions that he would have done so had he known the truth.

⁸ ~~215.~~ -As a direct and legal result of Twitter's representations to Plaintiff, Plaintiff has
⁹ ~~152.~~ suffered emotional distress, loss of property and has incurred out-of-pocket
¹⁰ expenses in excess of \$75,000. Plaintiff had to move out of his apartment, withdraw from his
¹¹ graduate studies, and actually lived in hotels for four months

¹² ~~216.~~ -As a direct and legal result of Twitter's representations, Plaintiff has also
¹³ ~~153.~~ suffered stress, anxiety, emotional distress, pain and suffering, inconvenience,
¹⁴ mental anguish, loss of enjoyment, and damage to personal and professional reputation.

¹⁵ ~~217.~~ -Twitter's conduct was intentional, willful, and/or are taken in willful disregard of
¹⁶ Plaintiff's rights.

¹⁷ ~~154.~~ of Plaintiff's rights. As such, Plaintiff seeks an award of exemplary and/or
¹⁸ punitive damages against Twitter in a sum to be determined according to proof at trial.

~~Sixth Cause of Action Against Twitter and Does 1-5~~

for Negligent Misrepresentation

²⁵ ~~218.~~ Plaintiff repeats and repleads each allegation in Paragraphs 1-~~154~~²¹⁷ as though
²⁶ ~~155.~~ fully set forth herein.

²⁷ ~~219.~~ Twitter, informed its users (including Plaintiff) by way of its privacy policy

+ effective May 18, 2015 that “Our default is almost always to make the information you provide
 2 through the Twitter Services public for as long as you do not delete it, but we generally give
 3 you settings or features, like direct messages, to make the information more private if you
 4 want.”

5 220. Such representations were false and/or misleading. Plaintiff is informed and
 6 believed and thereon alleges that from 2014 through 2015, Twitter lacked the requisite security
 7 systems to keep direct messages private from unauthorized access. The effect of these
 8 representations, even if true, misled Plaintiff into believing that his direct messages on the
 9 Twitter platform would remain private as long as he did not share them publicly. Twitter
 10 account had not been hacked by Twitter employees who had been recruited by the KSA to gain
 11 access to Plaintiff’s private Twitter information.

12 221. Although Twitter may have honestly believed that the representations were true
 13 and/or not misleading, Twitter had no reasonable grounds for believing the representations
 14 were true and/or not misleading when Twitter made such representations.

15 222. Twitter intended that Plaintiff rely on the representations to incentivize Plaintiff
 16 to use the social media platform because its business model profited from the number of users.

17 223. Plaintiff reasonably relied on Twitter’s representations by not taking the security
 18 precautions that he would have done so had he known the truth.

19 224. As a direct and legal result of Twitter’s representations to Plaintiff, Plaintiff has
 20 suffered emotional distress, loss of property and has incurred out-of-pocket expenses in excess
 21 of \$75,000. Plaintiff had to move out of his apartment, withdraw from his graduate studies,
 22 and actually lived in hotels for four months.

23 225. As a direct and legal result of Twitter’s representations, Plaintiff has also
 24 suffered stress, anxiety, emotional distress, pain and suffering, inconvenience, mental anguish,
 25 loss of enjoyment, and damage to personal and professional reputation.

26 **Seventh Cause of Action Against Twitter and Does 1-5 for Concealment**

27 226. Plaintiff repeats and repleads each allegation in Paragraphs 1-225 as though

← Formatted: Right: 0.32", No bullets or numbering, Widow/Orphan control, Tab stops: 0.88", Left + 1", Left

← Formatted: Right: 0.32", No bullets or numbering, Widow/Orphan control, Tab stops: 0.88", Left + 1", Left

← Formatted: Right: 0.32", No bullets or numbering, Widow/Orphan control, Tab stops: 0.88", Left + 1", Left

← Formatted: Right: 0.32", No bullets or numbering, Widow/Orphan control, Tab stops: 0.88", Left + 1", Left

Formatted: Line spacing: single

Formatted: Page Number, Font: 9 pt

Formatted: Left, Position: Horizontal: Center, Relative to: Margin, Vertical: 0.28", Relative to: Paragraph, Wrap Around

¹ fully set forth herein.

² 227. Twitter, informed its users (including Plaintiff) by way of its privacy policy
³ 156. effective May 18, 2015 that “Our default is almost always to make the information you
⁴ provide through the Twitter Services public for as long as you do not delete it, but we generally
⁵ give you settings or features, like direct messages, to make the information more private if you
⁶ want.” Twitter, on or about February 17, 2016, represented to Plaintiff that the bug, which had
⁷ been fixed, had affected Twitter’s password recovery systems for about 24 hours the week
⁸ prior. This bug, Twitter represented, “had the potential to expose the email address and phone
⁹ number associated with a small number of accounts. In our investigation, we discovered that
¹⁰ the email address and phone number linked to your account was viewed by another account
¹¹ and we wanted to alert you as soon as possible.”

¹² 228. –Twitter intentionally failed to disclose to Plaintiff that Twitter lacked the
¹³ 157. requisite security systems to keep direct messages private from unauthorized access. Such
¹⁴ representations were false and/or misleading. The effect of these representations, even if true,
¹⁵ misled Plaintiff into believing that his Twitter account had not been hacked by Twitter
¹⁶ employees who had been recruited by the KSA to gain access to Plaintiff’s private Twitter
¹⁷ information.

¹⁸ 158. Although Twitter may have honestly believed that the representations were true and/or
¹⁹ not misleading, Twitter had no reasonable grounds for believing the representations were true
²⁰ and/or not misleading when Twitter made such representations.

²¹ 159. Twitter intended that Plaintiff rely on the representations.

²² 160. Twitter platform Plaintiff reasonably relied on Twitter’s representations by not
²³ taking the security precautions that he would have done so had he known the truth.

²⁴ 161. As a direct and legal result of Twitter’s representations to Plaintiff, Plaintiff has suffered
²⁵ emotional distress, loss of property and has incurred out of pocket expenses in excess of
²⁶ \$75,000. Plaintiff had to move out of his apartment, withdraw from his graduate studies, and
²⁷ actually lived in hotels for four months.

²⁸ FIRSTSECOND AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL
Case No. 3:19 CV-06694-LB

← **Formatted:** Right: 0.32", No bullets or numbering, Widow/Orphan control

← **Formatted:** Right: 0.32", No bullets or numbering, Widow/Orphan control, Tab stops: 0.88", Left + 1", Left

← **Formatted:** Right: 0.32", No bullets or numbering, Widow/Orphan control, Tab stops: 0.88", Left + 1", Left

Formatted: Line spacing: single

Formatted: Page Number, Font: 9 pt

Formatted: Left, Position: Horizontal: Center, Relative to: Margin, Vertical: 0.28", Relative to: Paragraph, Wrap Around

162. As a direct and legal result of Twitter's representations, Plaintiff has also suffered stress,
 1 anxiety, emotional distress, pain and suffering, inconvenience, mental anguish, loss of
 2 enjoyment, and damage to personal and professional reputation.

Seventh Cause of Action Against Twitter and Does 1-5 for Concealment

163. Plaintiff repeats and repleads each allegation in Paragraphs 1-162 remain private as
 1 though long fully set forth herein.

164. Twitter, on or about February 17, 2016, represented to Plaintiff that the bug,
 2 which had been fixed, had affected Twitter's password recovery systems for about 24 hours the
 3 week prior. This bug, Twitter represented, "had the potential to expose the email address and
 4 phone number associated with a small number of accounts. In our investigation, we discovered
 5 that the email address and phone number linked to your account was viewed by another
 6 account and we wanted to alert you as soon as possible." However, Twitter he did not disclose
 7 to Plaintiff that his Twitter account had been hacked by Twitter employees who had been
 8 recruited by the KSA to gain access to Plaintiff's private Twitter information. This misled
 9 Plaintiff to believe that his private Twitter information was safe and had not been hacked by
 10 Twitter employees who were agents of the violent, autocratic regime that Plaintiff criticizes.

165. share them publicly. The fact that this was not true -Twitter intentionally failed to
 16 disclose to Plaintiff that his private Twitter information had been hacked by Twitter employees
 17 who had been recruited by KSA to gain access to Plaintiff's private Twitter information [this
 18 fact] was known only to Twitter (and intelligence officials) and Plaintiff could not have
 19 discovered them on his own. This misled Plaintiff into believing that his private Twitter
 20 information was safe and had not been hacked by Twitter employees who were agents of the
 21 violent, autocratic regime that Plaintiff criticizes.

229. Plaintiff did not know that his Twitter account had been hacked by Twitter
 23 employees who had been recruited by the KSA to gain access to Plaintiff's private
 24 Twitter informationlacked the requisite security systems to

Formatted: Right: 0.32", No bullets or numbering, Widow/Orphan control

Formatted: Font: Not Bold, No underline

Formatted: Right: 0.32", No bullets or numbering, Widow/Orphan control, Tab stops: 0.88", Left + 0.94", Left

Formatted: Line spacing: single

Formatted: Page Number, Font: 9 pt

Formatted: Left, Position: Horizontal: Center, Relative to: Margin, Vertical: 0.28", Relative to: Paragraph, Wrap Around

+ 166. keep direct messages private from unauthorized access. (hereinafter “concealed
2 facts”).
3
4

Formatted: Right: 0.32", No bullets or numbering,
Widow/Orphan control, Tab stops: 0.88", Left + 0.94", Left

5 167.230. Twitter intended to deceive Plaintiff by concealing the concealed facts:
6 because
7 –Twitter wanted to incentivize Plaintiff to use the social media platform because its business
8 model profited from the number of users.
9

Formatted: List Paragraph, Right: 0.32", Numbered +
Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 +
Alignment: Left + Aligned at: 0.5" + Indent at: 0.75",
Widow/Orphan control, Tab stops: 0.88", Left + 0.94", Left

10 231. Had the concealed facts been disclosed, Plaintiff reasonably would have taken
11 greater safety precautions including but not limited to not relying on the direct
12 messages to be private.

Formatted: Right: 0.32", No bullets or numbering,
Widow/Orphan control, Tab stops: 0.88", Left + 0.94", Left

13 232. –As a direct and legal result of Twitter’s concealment, Plaintiff has suffered
14 emotional distress, loss of property and has incurred out-of-pocket expenses in
15 excess of \$75,000. Plaintiff had to move out of his apartment, withdraw from his graduate
16 studies, and actually lived in hotels for four months.
17

Formatted: Right: 0.32", No bullets or numbering,
Widow/Orphan control, Tab stops: 0.88", Left + 0.94", Left

18 233. –As a direct and legal result of Twitter’s concealment, Plaintiff has also suffered
19 stress, anxiety, emotional distress, pain and suffering, inconvenience, mental
20 anguish, loss of enjoyment, and damage to personal and professional reputation
21

Formatted: Right: 0.32", No bullets or numbering,
Widow/Orphan control, Tab stops: 0.88", Left + 0.94", Left

22 234. –Twitter’s conduct was intentional, willful, and/or are taken in willful disregard
23 of Plaintiff’s rights. ~~of Plaintiff’s rights~~ As such, Plaintiff seeks an award of
24 exemplary and/or punitive damages against Twitter in a sum to be determined according to
proof at trial.
25

Formatted: Right: 0.32", No bullets or numbering,
Widow/Orphan control, Tab stops: 0.88", Left + 0.94", Left

Eighth Cause of Action Against Twitter and Does 1-5 for Negligent Hiring,

Supervision, or Retention of Employee

26 235. –Plaintiff repeats and repleads each allegation in Paragraphs 1-~~17~~²³⁴ as though
27

Formatted: Line spacing: single
Formatted: Page Number, Font: 9 pt
Formatted: Left, Position: Horizontal: Center, Relative to:
Margin, Vertical: 0.28", Relative to: Paragraph, Wrap Around

+ 172. fully set forth herein.
 2 173-236. Twitter hired Alzabarrah and Abouammo.
 3 237. Alzabarrah and Abouammo became unfit and/or hazardous to perform the work
 4 174. for which they were hired.
 5 238. Twitter knew or should have known that Alzabarrah and Abouammo each were
 6 175. or each became unfit and/or hazardous to perform the work for which they were
 7 hired, and that this unfitness and/or hazard created a particular risk to others including Plaintiff.
 8 239. As a direct and legal result of Alzabarrah's and/or Abouammo's unfitness and/or
 9 176. hazard, Plaintiff has suffered emotional distress, loss of property and has incurred
 10 out-of-pocket expenses in excess of \$75,000. Plaintiff had to move out of his apartment,
 11 withdraw from his graduate studies, and actually lived in hotels for four months.
 12 240. As a direct and legal result of Alzabarrah's and/or Abouammo's unfitness and/or
 13 177. hazard, Plaintiff has also suffered stress, anxiety, emotional distress, pain and
 14 suffering, inconvenience, mental anguish, loss of enjoyment, and damage to personal and
 15 professional reputation.
 16 241. Twitter's negligence in hiring, supervising, and/or retaining Alzabarrah and/or
 17 Abouammo was a substantial factor in causing Plaintiff's harm.

Ninth Cause of Action Against Twitter and Does 1-5 for Negligence

19 242. Plaintiff repeats and repleads each allegation in Paragraphs 1-241 as though
 20 fully set forth herein.
 21 243. By failing to design, evaluate, operate, modify, and/or maintain its security
 22 systems in a reasonably careful manner, Twitter was negligent. Further, by entrusting
 23 Alzabarrah and Abouammo with the tools to gain access to Plaintiff's private user data, Twitter
 24 was negligent.

25 244. As a direct and legal result of Twitter's negligence, Plaintiff has suffered

Formatted: Right: 0.32", No bullets or numbering, Widow/Orphan control, Tab stops: 0.88", Left + 0.94", Left

Formatted: Right: 0.32", No bullets or numbering, Widow/Orphan control, Tab stops: 0.88", Left + 0.94", Left

Formatted: Right: 0.32", No bullets or numbering, Widow/Orphan control, Tab stops: 0.88", Left + 0.94", Left

Formatted: Right: 0.32", No bullets or numbering, Widow/Orphan control, Tab stops: 0.88", Left + 0.94", Left

Formatted: Right: 0.32", No bullets or numbering, Widow/Orphan control, Tab stops: 0.88", Left + 0.94", Left

Formatted: Right: 0.32", No bullets or numbering, Widow/Orphan control

Formatted: Right: 0.32", No bullets or numbering, Widow/Orphan control

Formatted: Font: Not Bold, No underline

Formatted: Line spacing: single

Formatted: Page Number, Font: 9 pt

Formatted: Left, Position: Horizontal: Center, Relative to: Margin, Vertical: 0.28", Relative to: Paragraph, Wrap Around

+ emotional distress, loss of property and has incurred out-of-pocket expenses in excess of
 2 \$75,000. Plaintiff had to move out of his apartment, withdraw from his graduate studies, and
 3 actually lived in hotels for four months.

4 245. As a direct and legal result of Twitter's negligence, Plaintiff has also suffered
 5 stress, anxiety, emotional distress, pain and suffering, inconvenience, mental anguish, loss of
 6 enjoyment, and damage to personal and professional reputation.

7 246. Twitter's negligence was a substantial factor in causing Plaintiff's harm.
 8
 9
 10

PRAYER FOR RELIEF

12 1. Compensatory damages for all economic loss, including but not limited to loss
 13 of past or future income, to the extent allowed by law.
 14

15 180.2. General damages for pain, suffering, humiliation, and emotional distress to the
 16 extent allowed by law.

17 181.3. Punitive or exemplary damages, in an amount sufficient to punish the
 18 defendant and to deter future similar misconduct, to the extent allowed by law.

19 182.4. Injunctive and prospective relief as the Court may order to prevent further
 20 wrongful acts, to the extent allowed by law.

21 183.5. The costs of litigation, including reasonable attorney's fees, to the extent
 22 allowed by law.
 23

24 DATED: February 11August 27, 2020 RESPECTFULLY SUBMITTED

25 KLEIMAN / RAJARAM

26
 27 By: /s/ Mark Allen Kleiman, Esq.

28
 FIRSTSECOND AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL
 Case No. 3:19 CV-06694-LB

← **Formatted:** Normal, Right: 0.32", Widow/Orphan control

← **Formatted:** Right: 0.32", No bullets or numbering, Widow/Orphan control

← **Formatted:** List Paragraph, Right: 0.32", Numbered +
 Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 +
 Alignment: Left + Aligned at: 0.5" + Indent at: 0.75",
 Widow/Orphan control

← **Formatted:** Line spacing: single

← **Formatted:** Page Number, Font: 9 pt

← **Formatted:** Left, Position: Horizontal: Center, Relative to:
 Margin, Vertical: 0.28", Relative to: Paragraph, Wrap Around

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Mark Allen Kleiman, Esq.

LAW OFFICES OF BEN GHARAGOZLI
Ben Gharagozli, Esq.

← **Formatted:** Indent: First line: 0", Line spacing: Exactly 22.75 pt, Tab stops: -0.75", Left + 1.17", Left + 1.56", Left + 1.94", Left + 2.33", Left + 2.72", Left + 3.11", Left + 3.5", Left + 3.89", Left + Not at -0.56" + -0.44" + -0.31" + -0.19"

FIRSTSECOND AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL
Case No. 3:19 CV-06694-LB

← **Formatted:** Line spacing: single
← **Formatted:** Page Number, Font: 9 pt
← **Formatted:** Left, Position: Horizontal: Center, Relative to: Margin, Vertical: 0.28", Relative to: Paragraph, Wrap Around

DEMAND FOR JURY TRIAL

Plaintiff demands a jury trial on all issues so triable.

DATED: February 11~~August 27~~, 2020 RESPECTFULLY SUBMITTED

KLEIMAN / RAJARAM

By: /s/ Mark Allen Kleiman, Esq.

Mark Allen Kleiman, Esq.

LAW OFFICES OF BEN GHARAGOZLI
Ben Gharagozli, Esq.

Formatted: Font: Not Bold, No underline, Highlight

Formatted: Indent: Left: 0", First line: 2.5", Line spacing: single, Adjust space between Latin and Asian text, Adjust space between Asian text and numbers, Tab stops: -0.56", Left + -0.44", Left + -0.31", Left + -0.19", Left + Not at 0.39" + 0.78" + 1.17" + 1.56" + 1.94" + 2.33" + 2.72" + 3.11" + 3.5" + 3.89"

Formatted: Line spacing: single

Formatted: Page Number, Font: 9 pt

Formatted: Left, Position: Horizontal: Center, Relative to: Margin, Vertical: 0.28", Relative to: Paragraph, Wrap Around

FIRSTSECOND AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL
Case No. 3:19 CV-06694-LB